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COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON TUESDAY, APRIL 4, 1989

VOLUME 32

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C O U N S E L:

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|--|--|
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| R. McMURTRY A. PRATT | on behalf of Charles Francis |
| D. O'CONNOR G. PINHEIRO | on behalf of Angella Issajenko |
| E. FUTERMAN L.M. LIPKUS | on behalf of Ben Johnson |
| MR. SOOKRAM MR. L. LEVINE | on behalf of Dr. M. G. Astaphan |
| THOMAS C. BARBER | on behalf of the Sport Medicine Council of Canada |
| MR. SOJONKY MR. DePENCIER | on behalf of the Government of Canada |
| J. PORTER T.J. CALDWELL | on behalf of the College of Physicians and Surgeons of Ontario |
| ROGER BOURQUE | on behalf of the Canadian Track and Field Association |
| D. MANN | on behalf of the Canadian Olympic Association |

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--- Upon commencing.

THE COMMISSIONER: Yes. Mr. McMurtry.

MR. McMURTRY: Yes, Mr. Commissioner.

I have indicated to your counsel that there
5 was a matter that I wanted to raise with you --

THE COMMISSIONER: Excuse me a minute, no
more cameras.

MR. McMURTRY: -- as soon as possible in
relation to a highly publicized meeting which took place
10 on the weekend.

On Saturday, April the 1st, just past, the
Ontario Track and Field Association apparently passed a
motion to strike any Ontario track and field record set by
an athlete who admitted using banned substances or banned
15 practices prior to a record-setting performance.

The OTFA apparently intends to request the
Canadian Track and Field Association and the International
Amateur Athletics Federation to act in a similar fashion
in regard to national and world records.

20 The OTFA decision, in my view, appears to be
a deliberate attempt to intimidate those athletes who have
not yet testified before your Commission of Inquiry. For
athletes who have used banned drugs and practices, who are
compelled to testify, telling the truth will come at great
25 personal and professional cost, even without the

additional fear of losing their records.

I would hope that the Canadian Track and Field Association and the IAAF will await the report of the Commission before responding to the OTFA's request.

5

However, Mr. Commissioner, I do have some concern regarding the CTFA's possible response for prior to the commencement of the Commission's hearing on track and field, the CTFA attempted repeatedly to compel the attendance of Mr. Francis and a number of athletes associated with him to be examined in relation to the very matters that are the mandate of your Commission.

10

Both the CTFA and the OTFA have, in my view, acted in a manner that is almost contemptuous of the work of the Commission. Unfortunately, neither of these organizations appear to appreciate the disturbing lack of propriety in their actions.

15

I will have more to say at the appropriate time as to the extent to which these bodies have or have not acted in the public interest during recent years.

20

I will now, however, say that their most recent actions have indicated that the public interest is clearly not their highest priority. And I would ask you, Mr. Commissioner, to give these matters serious consideration at your earliest opportunity, sir.

25

THE COMMISSIONER: Thank you, Mr. McMurtry.

Mr. O'Connor.

5 MR. O'CONNOR: Yes, if I might, Mr. Commissioner, just briefly indicate that I join in the comments that it's inappropriate at this time for bodies such as the OTFA to be taking the actions it has on the weekend.

MR. ARMSTRONG: You are not --

10 MR. O'CONNOR: I was saying, that I am here to join in the comments that in our view it was inappropriate for a body such as the OTFA to have taken the actions that it did on the weekend.

15 The Inquiry has obviously been called and is looking into all of the issues surrounding the use of banned substances, and, indeed, we would expect that at the conclusion of the Inquiry there will be submissions and perhaps recommendations dealing with the very issue that was dealt with on the weekend.

20 I am not here today to suggest what the outcome of that decision should be. I think that would be falling into the same mistake that the OTFA has. It's simply that decisions such as that should be made when all of the evidence is known and all the circumstances surrounding the use of these banned substances have been determined.

25 And I think it would be an unfortunate thing

from our standpoint is that as Mr. McMurtry points out, that for the OTFA to do this at this stage is really a discouragement or disincentive for people to come forward and to tell the truth. And the telling of the truth, it's 5 obvious to say, is really in the best interests of everyone who is concerned with these issues in track and field.

So that I would join in the plea to you, Mr. Commissioner, that whatever steps can be taken with respect to any future action, either by the CTFA or other bodies, that you use your role to encourage that everybody await your report in order to deal with this type of issue. Thank you.

THE COMMISSIONER: Mr. O'Connor. Mr. 10 Armstrong.

MR. ARMSTRONG: Yes, thank you, Mr. Commissioner.

Like my colleagues, Mr. McMurtry and Mr. O'Connor, I was concerned when I read of and heard of the 20 action taken by the Ontario Track and Field Association over the weekend. And I took the precaution of speaking directly with the president of the OTFA to confirm that the press reports were accurate. And I was advised that the press reports were accurate.

And that being the case, I, too, share some 25

of the concerns that are already expressed. And I am joined in that concern by both Mr. Proulx and Ms. Chown as Commission Counsel.

5 And we are, sir, reminded that in your opening statement on November the 15th when you outlined the scope of the investigation that was being undertaken by our staff and by your counsel, you said this succinctly and to the point that the success of this investigation will depend on the co-operation of our athletes whose 10 interests I am seeking to advance.

15 And governed, sir, by that direction and sharing your interest and desire to obtain the co-operation of athletes, coaches, and others, we, sir, have brought that to the attention of prospective witnesses to the Inquiry. We, as counsel, have assured athletes, coaches, and others that if they come forward and are frank in their evidence and tell it as it is, that they will receive a full and fair hearing here with an opportunity at the end of the day to make representations to you through their counsel who represent them in their 20 various interests. And we simply, as counsel, find it regrettable, whether or not the action may ultimately be appropriate or not, is not the issue. We find it regrettable that in the track and field phase after only 25 two witnesses have been called, that the Ontario Track and

Field Association has already in a sense pre-empted what we are attempting to do here without having heard all of the evidence, without having had the benefit of submissions, which, of course, will be for your benefit not for theirs, but ultimately for theirs, but most importantly without awaiting for your report, because it is your mandate to deal with all of these issues and make recommendations to the government and through the government to the appropriate governing bodies.

10 So, I simply share those thoughts with you and share the concerns that have been expressed by Mr. McMurtry and Mr. O'Connor.

THE COMMISSIONER: Thank you, Mr. Armstrong, and Mr. McMurtry, and Mr. O'Connor.

15 This matter was brought to my attention yesterday morning, and I was very much concerned about this approach. And I asked Mr. Armstrong to call Mr. Lund, and I met with Mr. Smith yesterday afternoon.

As the case of hundreds of others, very early on in this Inquiry we interviewed officials of the OTFA, who had no evidence to offer as to the use of steroids in track and field over the many years that they have been charged the responsibility in part of promoting that athletic program. I would have thought that they would welcome our efforts to bring forth all the evidence

so that we could find the extent of the issues and the problems, and address the future which is the ultimate objective of this Commission.

Unintentionally, I hope, the actions taken by the OTFA can only discourage people from coming forth, and in a sense encourage those who do not to be frank.

I am puzzled that the message is that if you come forth and tell the truth, you will be penalized. The corollary is if you don't, you won't be penalized.

I hope that this does not seriously impair the future course of conduct of this Inquiry. And I have made it very clear to the OTFA what my views are. I am not here as a censor, nor can I direct activities on their part. But I thought it would be fundamental that in many ways we are seeking to do what perhaps ought to have been done by other organizations in the past so that we can all join together in addressing the future of athletic competition in Canada.

With respect to the Canadian Track and Field Association, Mr. McMurtry, Mr. Bourque has been in touch with us. We have had a meeting on it, and we are trying to get his co-operation to assuage your fears.

I have asked the OTFA for a full explanation of what they intended, how they thought for one moment that to penalize persons automatically without any further

hearing for helping the Commission is a method of solving our future problems. I don't see it, perhaps they do. But I am waiting for a further report. If necessary, I will make a further statement at another time.

5

Thank you for drawing this to my attention, and we will consider it further.

MR. McMURTRY: Thank you, Mr. Commissioner.

THE COMMISSIONER: Mr. Armstrong.

10

MR. ARMSTRONG: Yes, before continuing with Mr. Bethune, there are a couple of matters that Ms. Chown and I, as counsel, need to deal with. And I would, sir, ask your indulgence for perhaps 15 minutes.

THE COMMISSIONER: Thank you. We will adjourn. Let me know when you are ready.

15

20

25

THE COMMISSIONER: Mr. Armstrong?

MR. ARMSTRONG: Thank you, Mr. Commissioner.

TIMOTHY BETHUNE: Recalled

5

MR. ARMSTRONG:

Q. Mr. Bethune, there were just a few points that I wanted to clarify from your evidence yesterday.

10 First of all, going back to that period of time after you came home from Japan and learned that your carding status with Sport Canada and the CTFA had for the next year been rescinded, you indicated that ultimately you decided to retire and take whatever benefits were available to you under the retired status that carded athletes were afforded by the Sport Canada/CTFA program.

15 The question I have, just to clarify, before you made the appointment with Dr. Astaphan's office to go and see him in September, had you made the decision to retire?

20 A. Yes, I did.

Q. And then another point I wanted to clarify, just so that there is no misunderstanding about this and that is, that from the moment you went on the program with Dr. Astaphan, which included the growth

hormone and the Winstrol V tablets, you never again raced competitively in a CTFA or other type sanctioned meet?

A. No, I did not.

Q. And all of your athletic career as a
5 runner has been as a clean athlete? You have never competed with the benefit of performance enhancing drugs that are banned by the IOC and therefore the IAAF and the CTFA and so on?

A. No, never. I'm not a cheater and my
10 actions were never intended to defraud or mislead anybody.

Q. Now, just a few more questions about
this trip or visit, rather, to the office of Dr. Astaphan
in which you were accompanied by your coach, Brian
McKinnon, can you just give us your best recollection of
15 how it is that he went to the office and what the reason
was for his attending with you there?

A. To the best of my recollection, my
coach, Mr. McKinnon, was not informed until well into my
visits. I did not consult him before making an
20 appointment with Dr. Astaphan.

Brian McKinnon does not condone steroid use
and would never advise me to do any of these actions that
I did.

Nevertheless, Dr. Astaphan was interested in
25 speaking with my coach in order to obtain information

5

about my training methods and so on, presumably to, you know, coincide with whatever type of program he wanted me to undergo. It was not a session where they were, you know, plotting to, you know -- to aid my performances or anything like that. You know, Mr. McKinnon is an ethical, clean coach who did not counsel me in any way to contravene any rules of the IAAF.

10

Q. Now, he did ask you subsequent to that visit with Dr. Astaphan to get you some steroids. Do you know why he asked you to get the pills?

A. No, I did not ask.

15

Q. And then, ultimately, although you had retired, you were doing some training and apparently, irregularly under Mr. McKinnon, but at some point in time was the relationship between you and Mr. McKinnon severed?

A. Yes. I abruptly stopped training without any notice to anybody, really, and for that, I'm -- you know, I have some regrets but there is no argument and there was no confrontation of any kind.

20

It was just, you know, a simple decision, an impulsive decision to leave the sport. It was, you know, not a dramatic, you know, type of argumentative, you know, confrontation. We did, you know, have a chat later on but there was no kind of, you know, banning or scolding or, you know, any kind of....

25

Q. Why did you quit abruptly, as you put it?

A. Because I was just -- well, first of all, I was a full-time student in my final year of university and I wanted to get my degree and I didn't want anything to distract me from that goal.

For me, at that time, that was my number one purpose. Track and field took a very poor second to my education at that time. That was paramount and, you know, my rude awakening to the realities of the, you know, track and field scene at the elite level led me to believe that I might be better off pursuing an education rather than continuing in an atmosphere where steroid use was rampant.

Q. All right. Going back to your relationship with your coach, Mr. McKinnon, when he became aware of the fact that you were on steroids, what reaction if any, did he have to that?

A. He was disappointed. He was rather surprised because I didn't tell him and I didn't inform him of all the conversations I had had previously whereby I gained the information and I just sort of sprung it on him, you know, after the fact and, you know, he was disappointed but, you know, at that time, I gathered he knew that, you know, that my career was more or less over, although I did continue to come out.

You know, he, in no way, encouraged any of my activities to continue.

5 Q. Just one other matter following up from that. Although, of course, you had as far as Sport Canada and CTFA was concerned, officially retired from the sport, the objective facts however are, that you were continuing to train, although irregularly, you were on a performance enhancing drug program for a period of four, almost five months. The performance enhancing drugs being in part 10 anabolic steroids and throughout the whole piece, growth hormone.

15 Is it not possible on those objective facts it must have been in the back of your mind that just, maybe, you might come out of retirement and compete?

A. Well, you know, I can't deny that one could extrapolate that theory from the facts. But, life isn't that simple. You know, it isn't. The world of elite track and field is -- it's a different world, you know, and....

20 Q. Well, Mr. Bethune, there would be no reason for going through this program to the extent that you went through it and no reason for doing the training that you were doing, to the extent you did, unless, in fact, you were considering the possibility of returning 25 competitively to the sport, is that not fair?

A. That's not true. That's not fair, either. I'm telling you my honest feelings. You know, they may be a bit confused and, you know, they might not seem, you know, straight forward.

5

But at that time, I was confused and I'm trying, to the best of my ability, to portray my feelings as they were at that time and, at that time, I was a very dissolutioned, confused young person.

10

Q. I understand that and I'm sure the Commissioner and others listening to your evidence appreciate that.

15

If the objective facts don't lead us in the direct recognizing that that inference could be drawn, to your perhaps entertaining the idea of getting back into competition, still I'm left with the quandary then, why were you going to Dr. Astaphan for the period of time that did you, why were you training for the period of time that you did train, if you were not entertaining the fact of getting back into competition?

20

A. Well, first of all, like I said yesterday, I went to Dr. Astaphan in order to confirm rumors that I had heard bandied about, you know, by, you know, various sources.

25

And I continued to train partly because cutting off a training program after ten years of

continuous training is not a healthy activity for somebody to do. It -- you know, I think any medical expert would tell you that an athlete who trains at a very high level seven days a week for ten years cannot simply discontinue training, cut and dry, you know, after one day and not suffer some, you know, negative effects.

5 And in fact, I may have been unwise to discontinue my training even that suddenly because, you know, it took a while for my body to get back to normal.

10 Q. Taking your first point first, you led off in saying first of all, you went to see Dr. Astaphan to satisfy your curiosity about drug use or the use of anabolic steroids.

15 That curiosity, Mr. Bethune, was satisfied on your second visit, according to the statement that I put to you yesterday and your second visit was, I believe, September the 19th. By that time he had given you the information.

MR. SOOKRAM: Mr. Commissioner, sir?

20 THE COMMISSIONER: Yes.

MR. SOOKRAM: I wonder whether it is the correct thing for counsel for the Commission to be cross-examining his own witness. I think that should be left to us.

25 THE COMMISSIONER: Counsel of the Commission

are allowed great leeway, Mr. Sookram. His job is to bring out all the facts and if he's not certain of the answers, he can pursue it. There is no rule that limits the Commission Counsel to examination or

5 corss-examination.

MR. SOOKRAM: I thank you for your ruling. I thought that was to be left to us.

THE COMMISSIONER: No, no. That's quite clear in the tradition of Royal Commissions. Mr. 10 Armstrong can pursue matters if he's not certain that he is bringing out all the facts. That's all he is doing. Thank you, Mr. Sookram.

MR. SOOKRAM: Thank you.

15 MR. ARMSTRONG: I won't be long, Mr. Bethune. Thank you, Mr. Commissioner.

MR. ARMSTRONG:

Q. Put succinctly, your curiosuty must have been more than satisfied on your second visit by 20 September the 19th when you got the information you got, you were given the pink pills which we agree, and knew, were steroids. How much more of your curiosuty needed to be satisfied?

25 THE COMMISSIONER: I think he said

5 yesterday, though, he wanted to see somehow whether it would actually enhance your performance, isn't that what you said? That he was going to, in his view, he was also experimenting with the -- with the effect of the steroids on this training program. Is that what you said yesterday?

THE WITNESS: Yes, that's correct.

10 THE COMMISSIONER: And that he did notice in that so-called limited training that he was doing, that he was able to perform more regularly with shorter intervals and more vigour.

THE WITNESS: That's correct.

MR. ARMSTRONG: Thank you.

15 MR. ARMSTRONG:

20 Q. And then, just picking up that last point first. Now, do you remember indeed in one of the training sessions in which Coach McKinnon was present, that you did some 300 metre sprints against a runner by the name of DaSilva?

A. I remember that, yes.

Q. And indeed, to use the athletic vernacular, you literally wiped him off the track in those 300 metre sprints, is that not so?

25 A. I recall it being something like that.

Q. As a result of that episode, at least, that was some evidence to you that indeed although you hadn't been training all that much, you came out and that the steroids seemed to have been of some assistance?

5

A. It helped me to draw that conclusion.

MR. ARMSTRONG: Those are all the questions I have, thank you.

THE COMMISSIONER: Thank you. Mr. Porter?

MR. PORTER: Thank you, Mr. Commissioner.

10

MR. PORTER:

Q. I represent the College of Physicians and Surgeons of Ontario, Mr. Bethune, and I just have a few questions about -- in respect to your meetings with Dr. Astaphan, okay?

I gather when you first visited on September the 12th, 1983, you did not mention any specific health problem with Dr. Astaphan at that time?

A. It was 1985.

20

Q. '85, excuse me?

A. And, no, I did not.

Q. This was shortly after the meet you had in Japan?

A. Yes.

25

Q. And you were present there because

Spiratoso had mentioned Dr. Astaphan?

A. Yes.

Q. So there was not any suggestion to Dr. Astaphan that you were there as a result of Charlie 5 Francis having sent you?

A. No.

Q. At your first meeting with Dr. Astaphan on September the 12th, 1985, you were not suffering from any tendonitis of the ankle, were you?

10 A. Not that I can remember.

Q. And when you asked for the same -- when you asked Dr. Astaphan for a program that was the same as Ben Johnson's, this was by you just a shot in the dark, was it?

15 A. It was a way to find out what was going on because I didn't know what program Ben Johnson was on.

Q. If the OHIP records reveal a diagnosis from September the 19th on, for the next six visits, as tendonosis of the ankle or sprained ankle, this would not 20 be as a result of your suggestion, would it?

A. No.

Q. So, to your memory, on those dates you did not have a discussion with Dr. Astaphan concerning tendonitis of the ankle or sprained ankle?

25 A. Not to my knowledge.

Q. And later on, on November 24th, 1985, the OHIP record reveals the diagnosis of knee strain or tendonitis. Would that be as a result of discussions ----

5 MR. LEVINE: Excuse me, sir. I wonder if my friend, because he's making various comments about OHIP records, if he's undertaking to produce those records?

THE COMMISSIONER: I assuming you have those records?

MR. PORTER: Yes.

10 THE COMMISSIONER: And will you produce them at a proper time or -- has Commissioner counsel seen these records?

MR. PORTER: I think I have the identical records that the Commission counsel has.

15 THE COMMISSIONER: All right. When we have these, we will let you know them, Mr. Levine.

20

25

5 MR. PORTER:

Q. During the time that --

THE COMMISSIONER: I'm sorry, those are the
records, Mr. Armstrong, that you were referring to by
5 day --

MR. ARMSTRONG: In fact, I believe they may
be different records than we have.

THE COMMISSIONER: -- when you were
examining?

10 MR. ARMSTRONG: No, they're the same.

MR. PORTER: They're the OHIP claim cards.

THE COMMISSIONER: All right, fine. Then
you'll let me see those?

MR. PORTER: Yes, I will.

15 THE COMMISSIONER: I assume, Mr. Armstrong,
when you were reading the dates to Mr. Bethune, you had
the records, the OHIP records?

20 MR. ARMSTRONG: I did. In fact, those are
the claim cards I had on account cards, just a summary of
them.

THE COMMISSIONER: Go ahead, Mr. Porter.

I'm sorry.

MR. PORTER: Thank you.

25 MR. PORTER:

Q. Then in November or December of 1985, did you have any discussion with Dr. Astaphan about knee strain or tendonitis of the knee?

5 A. I might have. That conversation, I really am not quite clear as to whether I had that.

THE COMMISSIONER: What date is that, Mr. Porter?

10 MR. PORTER: Well, on November 24th, it said "Knee strain, tendonitis. December 5th, tendonitis of the knee. December 12th, 1985, strained groin with tendonitis."

MR. PORTER:

15 Q. You're shaking your head. The strained groin doesn't ring a bell?

A. I really can't recall these events transpiring.

MR. PORTER:

20 Q. But you are clear, as you just suggested to me, that for the six visits after you first visited Dr. Astaphan, there is no question of a sprained ankle?

A. There was no sprained ankle.

25 Q. And no question of tendonosis of the ankle at that time?

A. No, I've never had that.

THE COMMISSIONER: What about the groin and the other matter?

A. No groin injury.

5

MR. PORTER:

Q. No groin injury. Now, what about the knee? Were you placing the knee, for some reason, in a slightly different category?

10 A. I've had knee injuries from time to time. It's possible that I might have had a knee problem at that time.

15 Q. Now, you indicated yesterday that you had no idea that you were being given Winstrol V; is that correct?

A. Yes.

Q. And I think your evidence was yesterday that you'd been there at least three or four weeks before you asked?

20 A. That's correct.

THE COMMISSIONER: He said he knew it was a steroid. He didn't know it was Winstrol V.

MR. PORTER: Yes.

25 THE COMMISSIONER: Is that right? You knew it was a steroid? You didn't know it was Winstrol V?

MR. PORTER:

Q. Correct?

A. Yes.

5

Q. You knew it was a steroid of some kind?

A. Yes.

Q. And then when you saw the Winstrol V, I
gather you'd heard of Winstrol before?

A. Yes.

10

Q. You were shocked?

A. I was shocked that the source of the
Winstrol or the type of Winstrol was a veterinary type.

Q. And so what did you say then?

A. Nothing.

15

Q. Nothing?

A. No, I just read it and I comprehended it
and I handed the bottle back to him.

Q. Well, were your hands shaking or --

A. No.

20

Q. I mean, this must have been a fairly
traumatic event?

A. No, it wasn't traumatic, but I was
shocked. I -- anybody would be.

Q. Okay. Correct. And did Dr. Astaphan
say anything --

A. No.

Q. -- about it?

A. No.

Q. Did you at any time have any

5 conversation with Dr. Astaphan concerning veterinary use
of Winstrol V?

A. No.

Q. Did Dr. Astaphan assure you that his
program was safe?

10 A. Yes.

Q. And in essence he -- did he make a
representation, did he represent --

15 MR. LEVINE: Excuse me, sir. I realize this
is cross-examination, but I think it might be more fair
for my friend, rather than to suggest to the witness what
the doctor might have said, rather just to ask him what
the doctor said.

THE COMMISSIONER: I think that's fair.
Just ask him what he said.

20 MR. PORTER: He said yesterday "safe" in his
evidence.

THE COMMISSIONER: Just ask him what the
doctor said. Whether the doctor discussed whether it was
safe or not. It's the same way of asking the same
25 question, just a little more gentle.

MR. PORTER: Thank you. I love to be gentle.

MR. PORTER:

5

Q. Safe?

A. Yes.

Q. And was Dr. Astaphan, did he give you confidence that the program would be safe?

A. I trusted him.

10

Q. And did he, when he said safe, was it a kind of assurance?

15

A. Not really because I had done my own reading of the book that I had obtained in Japan, and I had read evidence that, in fact, there were very major side effects. And I was always cognizant of the fact that, you know, he might not be disclosing the full truth.

Q. Did you mention any of the possible side effects?

A. Yes.

20

Q. Which, do you have any memory of which ones you may have mentioned to Dr. Astaphan?

A. Sterility, acromegaly. The rest aren't quite in my memory, but--

Q. But you do remember --

25

A. I do remember.

Q. -- mentioning those to Dr. Astaphan?

A. Yes.

Q. Do you remember what Dr. Astaphan's response was?

5 A. His response was generally that those only occur in cases where high doses are taken over a long period of time.

Q. And did he make in his response, did he tie these up with you and how it might or might not affect 10 you?

A. Not really. He just made a general statement that, you know, that in low doses --

THE COMMISSIONER: When he mentioned the long instance of time, did he say would six months be a 15 long time?

A. He didn't put a time period on it.

THE COMMISSIONER: All right. I'm sorry.

MR. PORTER:

20 Q. Well, you saw him on a number of occasions and you yourself raised some possible side effects?

A. Yes.

Q. What's not clear from what you said, as 25 I'm not entitled to cross-examine too much, I gather, but

did he indicate as to whether you should be worried about this?

5 A. He gave me the impression that I am not to worry. In fact, he felt I worried too much, that I should just relax and trust him, that he knew what was best for me.

Q. And did he say words to that effect?

A. Yes, he did.

10 Q. Did he say words to the effect that, "Don't worry, I won't let it happen to you"?

A. What do you mean by "it"? The side effects?

Q. Yes.

15 A. He didn't phrase it in that way. He just said that I'm not in any danger of suffering any of the side effects that I had mentioned.

Q. And so you discussed -- you remember the two you've already told the Commissioner?

A. Yes.

20 Q. Did you discuss others with him?

A. I might have, but they don't come to my mind right now.

25 Q. Your evidence was that Dr. Astaphan indicated that the athletes in his programs had yet to be caught?

A. Yes.

THE COMMISSIONER: Had never been caught.
Not yet to be caught.

5

MR. PORTER:

Q. Had never, never been caught?

A. Yes.

Q. And that he'd had fifteen years of
experience in giving steroids?

10

A. I seem to recall that, yes.

Q. Is it fifteen?

A. I believe so.

Q. And you were to pay \$10 a week cash.
Was that for the growth hormone?

15

A. I'm not sure what it was for. I just
know that he requested that I pay that sum.

Q. And did you make some payments?

A. I made some.

MR. PORTER: Thank you.

20

THE COMMISSIONER: Mr. Porter, thank you.

Mr. Bourque.

MR. BOURQUE: Thank you, Mr. Commissioner.
I'll be brief, so if you don't mind, I'll just question
from back here.

25

THE COMMISSIONER: All right. You want to

keep your distance.

MR. BOURQUE: Not at all.

CROSS-EXAMINATION BY MR. BOURQUE:

5

Q. Mr. Bethune, my name is Roger Bourque. I represent the Canadian Track and Field Association. You said in your evidence earlier that you had heard rumours about Charlie and his group, was the way you described these people, being involved in steroid use?

10

A. Yes.

Q. And, in addition, you said that you had made jokes about this yourself and you were threatened with litigation if you didn't keep your mouth shut. Do you recall that?

15

A. Yes.

Q. And by whom were you threatened?

A. By Charlie.

Q. Charlie Francis?

A. Yes.

20

Q. And by anybody else?

A. Well, I made the comment about Angella Issajenko, who was Taylor at that time, and she was very upset at me at that time as well.

25

Q. All right. And how often did you receive such threats?

A. It only took once for me to not say any more.

Q. When was that?

5 A. I believe that was in 1983 at a training camp in Colorado Springs.

Q. All right. And let me take you back. Just a moment ago you were saying -- you were telling us what effect these had. Did you take the threats seriously?

10 A. Absolutely.

Q. And, in fact, later in 1983, did you yourself not retain a lawyer to threaten an action in libel against a newspaper and another athlete?

A. Yes, I did.

15 THE COMMISSIONER: I'm sorry, what date was that, Mr. Bourque?

MR. BOURQUE: 1983.

THE COMMISSIONER: Thank you.

20 MR. BOURQUE:

Q. Just to clarify that a little more, did that not arise out of rumours of steroid use by you flowing from your failure to participate in the Pan American games at Caracas?

25 A. That's correct.

Q. Can I ask you then in general, just finally, what effect did the threats you received have upon any willingness you might have had to speak openly about steroid use by Canadian athletes?

5 A. Well, without any kind of solid proof, I felt that it wasn't prudent to spread any kind of rumours or information that might not be completely true.

10 Q. In other words, there was a climate in which you felt it was the better part of discretion to be quiet unless you had hard evidence; is that correct?

A. That's correct.

MR. BOURQUE: Thank you. No further questions.

THE COMMISSIONER: Thank you, Mr. Bourque.

15 Mr. Barber.

CROSS-EXAMINATION BY MR. BARBER:

20 Q. Mr. Bethune, my name is Tom Barber. I represent the Sports Medicine Council of Canada. I'd like to go over a couple of aspects of your attendances with Dr. Astaphan. This is in September of 1985?

A. That's correct.

25 Q. And you said that you went in there and you told him that you wanted to go on Ben's program, and he then referred you for lab tests; is that correct?

A. Yes.

Q. Do you know what lab tests were requested or performed?

5 A. They took blood and urine from me. The exact, you know, type of testing they did with that, I don't know. But that's what they obtained from me.

Q. Did Dr. Astaphan tell you what tests were to be performed?

A. No.

10 Q. Why the tests were to be performed?

A. He told me that he wanted to make sure that I was physically able to undergo such a program.

15 Q. Did he tell you what areas of concern he would have as to whether you were physically able to undergo the program?

A. Not in any detail.

Q. Did you know that, whether there was a liver study, a liver function study?

A. No, I don't know.

20 Q. Did Dr. Astaphan discuss with you that liver function was an important area with regard to steroid use?

A. Not that I can recall.

25 Q. As well as the laboratory tests, did Dr. Astaphan perform a complete medical examination?

A. Yes, I believe so.

Q. Was it on that same first visit?

A. Yes, I believe so.

Q. I wasn't clear from your evidence

5 yesterday what program you then went on. I understood from the evidence that the second visit was September the 19th, and on the second visit you commenced a program?

A. Yes.

Q. All right. And did the program from 10 that point on involve weekly or essentially weekly injections of growth hormone?

A. Yes.

Q. And that would be for the entire five-month period until February of 1986?

15 A. I think so.

Q. What was the program of steroid use?

A. It was essentially a program where I took one pill for one week and then two pills for one week and then three pills for two weeks.

20 THE COMMISSIONER: A day?

A. A day. And then back to two and then one. But I don't believe that I followed through right through to the completion of that first cycle.

25

MR. BARBER:

Q. Is it your recollection that that cycle started in September of 1985?

A. Yes.

5 Q. So we're talking about a six-week cycle which followed from September 19th, 1985?

A. Yes.

Q. During the five months that you saw Dr. Astaphan, was there any further consumption of steroids?

A. No.

10 Q. So we're talking about one cycle?

A. Yes.

Q. I didn't understand then when during that cycle it was that you saw the bottle and realized that it was Winstrol V for veterinary use only?

15 A. It was a few weeks, sometime in October.

Q. Within this initial six-week cycle?

A. Yes.

20

25

Q. And was that the reason that you stopped the cycle, that you now realized that this is --

5 THE COMMISSIONER: I think he told Mr. Armstrong that notwithstanding what he saw, he continued to sort of taper down. Is that --

THE WITNESS: Yes.

10 THE COURT: -- to use the vernacular, that he couldn't just cut it off, even though apparently he was then advised or knew that it was Winstrol-V. Is that right?

THE WITNESS: Yes.

MR. BARBER:

Q. So, did you complete the cycle, then?

15 A. I shortened it. I, you know, I didn't take the three pills a day for two solid weeks. I tapered down pretty quickly, you know, maybe, you know, two pills for a few days and then one pill for a few days.

20 Q. So, to what extent did you telescope the six weeks? Did you reduce it to four or five?

A. Four and a half.

Q. So, four-and-a-half weeks from the middle of September of 1985 of steroid use?

A. Yes.

25 Q. But you continued with the growth

hormone injections through until February of 1986?

A. Yes.

5

Q. During the period of steroid use in September and October of 1985, to what extent were you still training?

A. Well, not very much. At that time, I was without a car and there was a transit strike in Mississauga, and I was unable to go to the track for long periods of time.

10

Q. Well, given now we are talking about a four-and-a-half-week period, September and October of 1985 --

15

A. Yes.

Q. -- can you recall how many times you were able to get out and train?

A. Well, for the past seven years prior to that, I trained virtually seven days a week.

20

Q. Yes.

A. And if I -- if I was lucky, I got out to the track maybe three days a week, if that.

Q. When was is it that Dr. Astaphan expressed an interest in finding out what your training program was?

25

A. Sometime within the first month or two.

Q. Was it while you were taking the

steroids during that four-and-a-half-week period?

A. I believe so.

5

Q. All right. And so you would have told him at that time, "Well, I am having trouble training, I don't have a car. There is a transit strike. If I am lucky, I am getting out to the track three days a week."

10

A. I was very circumspect whenever I went to that office. I -- I knew that I didn't really belong there, that, you know, my whole association with the doctor, you know, was never going to be a full one.

15

And I was very cognizant of the fact that I might be setting myself up for some kind of retribution or future action if people realized that I knew information about activities which I shouldn't have known about. And so, I kept a lot of my conversations very brief, and I didn't really show my hand to Dr. Astaphan.

20

Q. But you said Dr. Astaphan was interested to find out about your training program?

A. Probably because I never told him anything, to any great extent.

Q. Did he ask you about your training program?

25

A. No. He just basically asked how I felt. He didn't ask me what I was doing. At that time, he was intimately involved with the Scarborough Optimists.

He --

Q. I guess what I am interested in, Mr. Bethune, is -- let me ask you this question first.

5 From your own reading were you aware that the use of steroids, if it has a value, is as part of a training program, it's integral to a training program?

A. I was somewhat aware of that.

10 Q. And what I am trying to find out is whether Dr. Astaphan, in putting you on a steroid program, wanted to find out or be aware of the extent of your training so that he could integrate the steroids if they were going to be used with a training program?

A. He never requested detailed information about the types of workouts I was doing.

15 Q. Or the extent of your training?

A. Not in any great detail, just generally.

20 Q. And even if he had, I take it from your statement that you would be circumspect, you might have indicated more training than you were actually able to do?

A. Yes.

Q. All right. While you were taking the steroids, yesterday I believe you indicated that you noticed that you were bulking up?

25 A. Yes.

Q. You couldn't be sure whether that was muscle development or fluid retention?

5 A. I knew it wasn't muscle to any great extent, because I wasn't really training all that hard.

It might have been some muscle growth, but it was mostly just water.

Q. Did you notice weight gain?

A. Yes.

Q. How much?

10 A. Ten to 15 pounds.

Q. In four-and-a-half weeks?

A. Yes.

Q. Did you notice any other physical effects?

15 A. No.

Q. No. How about emotionally; did you find that when you were taking the steroids it affected your approach towards training, your emotional approach?

20 A. Steroids made you feel that you were in peak fitness. So, in that respect --

THE COMMISSIONER: I am sorry, it makes you feel what?

THE WITNESS: It made me feel that I was fitter than I actually was.

25 THE COMMISSIONER: I see.

THE WITNESS: So, in that respect I felt good.

MR. BARBER:

5 Q. You felt you could go out and do more?

A. Yes.

Q. When you came off the steroids, did that attitude change?

A. Yes.

10 Q. So, there was an up on the steroids and a down when you came off?

A. Yes.

MR. BARBER: Excuse me, Mr. Commissioner.

15 MR. BARBER:

Q. Mr. Bethune, this is an Exhibit that's been filed with the Commission. It's a package of educational material that is circulated by the Sport Medicine Council and by Sport Canada.

20 The evidence has been that it's circulated to members of the national team, and circulated to members of teams travelling abroad, and it is circulated to carded athletes. Do you recall receiving material like this?

A. Yes.

25 Q. Did you have an opportunity to read it,

to review it?

A. Yes.

Q. Did you read it?

A. Yes.

5

Q. I have been asking athletes whether they have opinions as to what information would be more useful in dissuading athletes from using steroids and other banned substances. I wonder if you have a view on that?

10

A. Well, if an athlete really wants to go on a steroid program and compete, if they truly believe that everybody else is using it, then I don't think any book would dissuade them.

15

Q. So, the side effects, the concerns about health, no matter how they are presented, you don't think an athlete is going to pay attention to that?

A. No. I believe that randomized testing during training is an important way to help the situation to become, you know, less than it is right now.

20

But as far as I am concerned, the book dissuaded me from using steroids. I looked at it and I read it and, you know, I took the opinions of the people who wrote it, you know, as being serious. And I abided, you know, by the, you know, the information in there.

25

Q. When you say "a book", are you

referring to the information in this package, or are you referring to the book that you got in Japan?

A. Oh, excuse me, by the information in that package.

5

MR. BARBER: Thank you, sir.

THE COMMISSIONER: Thank you. We will take a short break, ten minutes.

--- Short Recess taken.

10

--- Upon resuming.

THE COMMISSIONER: Mr. Sookram.

15

THE COMMISSIONER: We have your special dias, Mr. Sookram.

MR. SOOKRAM: Thank you, sir.

20

Before I start cross-examining this witness, sir, I would apply that this OHIP record be admitted into the record since my friend read from it, and Mr. Porter questioned from it.

THE COMMISSIONER: Can I see it? I am not sure it should all be there --

MR. SOOKRAM: It does show --

25

THE COMMISSIONER: If it relates to any -- excuse me, if it relates to any names that have not yet

come forth, I don't want it --

MR. ARMSTRONG: I can --it does, there are other names. I felt comfortable showing it to Mr. Sookram, because the other names --

5

THE COMMISSIONER: I think only in so far as it relates to this witness, but not names of other patients who have not --

10 MR. SOOKRAM: I appreciate that, sir. You see what concerns me there is the fact that it does show that the doctor has billed OHIP for injections which the witness has admitted getting. Lest a wrong impression is created --

THE COMMISSIONER: Well --

15 MR. ARMSTRONG: I have a photocopy of the record with the other names deleted. So, I have in my hand that --

THE COMMISSIONER: That only relates to Mr. Bethune?

20 MR. ARMSTRONG: Only relates to Mr. Bethune and no other --

THE COMMISSIONER: You can use that, Mr. Sookram.

MR. SOOKRAM: I would appreciate that very much, sir.

25

THE COMMISSIONER: Thank you.

MR. ARMSTRONG: If I can just have a moment
I will just staple it together and give it to the --

THE COMMISSIONER: Do you have an extra
copy or is that just the one copy?

5 MR. ARMSTRONG: Unfortunately just this
copy at the moment. I didn't anticipate putting this in
at this time.

10 THE COMMISSIONER: All right. I can follow
it from here, probably. I don't know whose writing this
is on the left here, Mr. Armstrong.

MR. ARMSTRONG: I am sorry, that is an
investigator's writing and my writing is over on the
right-hand side. That's not part of the record.

15 THE COMMISSIONER: I see. This is our own
analysis of it.

MR. ARMSTRONG: Yes. This is an analysis
of what the various OHIP codes --

THE COMMISSIONER: What the codes are.

MR. ARMSTRONG: -- are, yes.

20 THE COMMISSIONER: All right. Thank you.
You understand that's just our investigator's analysis,
Mr. Sookram.

MR. SOOKRAM: Yes.

25 THE COMMISSIONER: If there is any more
material you want to see, of course, you can see it, but

you are prepared to proceed on the basis of investigator's notes.

5

MR. SOOKRAM: On the basis that they do show that the doctor charged for injections which were in fact given.

10

THE COMMISSIONER: All right, we will mark that. What's the number, please?

THE REGISTRAR: 129.

THE COMMISSIONER: 129. Thank you.

MR. SOOKRAM: Thanks.

--- EXHIBIT NO. 129: Photocopy of OHIP records.

--- EXAMINATION BY MR. SOOKRAM:

15

Q. Mr. Bethune, my name is David Sookram. I represent Dr. Astaphan.

Have you been following the evidence of the other witnesses very closely in the press?

A. Yes.

20

Q. And you have been watching the program on television?

A. Yes.

25

Q. You told us yesterday that you overheard a conversation in August of '85 in Japan, a conversation relating to steroids?

A. Yes.

Q. And that was the first time you heard steroids discussed?

5 A. No. It was the first time I heard steroids discussed with specific mention of names and addresses.

Q. You were in Venezuela in 1983, were you not?

A. Yes.

10 Q. And steroids were discussed there?

A. Not in my presence.

Q. Not in your presence?

A. No.

15 Q. You were one of the persons accused of using steroids?

A. By one person.

Q. By one person. You didn't take part in the meet in Venezuela, did you?

A. No.

20 Q. You broke down?

A. I was ill.

Q. Ill?

A. I was -- I was unable to compete.

25 Q. You weren't scared to run because you might have tested positive?

A. No. In fact, I ran later that same season at the world championships.

Q. Yes, but not in Caracas where others were tested positive?

5 A. No, I didn't know anything about the positive testing of athletes before I went there or while I was there.

Q. In 1983?

10 A. No. I only learned of it after I had gone home.

Q. After you came back to Canada?

A. That's right.

Q. There wasn't a big expose down there?

15 A. I wasn't in the village; I was in a hotel suite.

Q. And nothing came to your ears at all?

A. No.

20 Q. And you are telling us today that prior to 1985 you had not heard any specific conversation about steroids and persons involved in their use?

A. Canadian athletes.

Q. How well did you know these gentlemen whose conversation you overheard?

25 A. I had known Mike Dwyer since about 1977; and I knew Mike Spiritoso for about three or four

years.

Q. Had you ever been shared a suite with them?

A. With Mike Dwyer I had.

5

Q. You had. But it was Mr. Spiritoso who produced the book on steroids?

A. No, it was Mike Dwyer who produced the book.

Q. And you borrowed it?

10

A. Yes.

Q. And photocopied it?

A. Yes.

Q. How much did it cost?

15

A. It was free. There was a free photocopier in the, you know, right adjacent to the cafeteria.

Q. I see. You didn't think of buying your own copy?

A. I wasn't -- no.

20

Q. Did you participate in the conversation?

A. Yes.

Q. To what extent?

25

A. I wanted -- I said I don't believe you, you know, this can't be true.

Q. Were you part of the group that met there to discuss this thing, this steroid use?

A. Can you rephrase that.

Q. Tell me how it came about that you 5 joined these two men somewhere?

A. I was just going into the cafeteria to get something to eat and the two guys were there, and I decided to eat with them since they were members of the team.

10 Q. I see. And who instigated the conversation, who started it up?

A. Those two were already chatting and I just sat down with them as they were talking.

Q. And you listened?

15 A. Yes.

Q. Then you asked them questions?

A. At the appropriate time.

Q. What sort of question did you ask?

A. I asked, well, who is taking steroids.

20 Q. What names did they give you, if any?

THE COMMISSIONER: Well, is that particularly important now, Mr. Sookram. All right.

MR. SOOKRAM: I can forego that question, sir.

25 THE COMMISSIONER: All right.

MR. SOOKRAM:

Q. Names were given to you, Canadian names?

A. Yes.

5

Q. And how did the doctor's name come about?

A. It came about because I asked what doctor would administer steroids to any athlete knowing that it was on the banned list.

10

Q. So, was it your opinion then that only athletes would administer steroids to themselves?

A. No, it was my -- I just asked that question, you know, wanting to know who would do that, you know, what doctor would administer these substances to an 15 athlete.

Q. After the Caracas expose, did it not dawn on you that doctors might have been giving those -- might have been giving those athletes steroids?

20

THE COMMISSIONER: I am sorry, I didn't follow the question; it is my fault I am sure.

BY MR. SOOKRAM:

Q. After the Caracass expose, did it not dawn on this witness that those people who tested positive 25 could have been taking steroids given by doctors?

A. But these athletes weren't in Canada, they weren't Canadians.

5

Q. I see. So, it was your opinion at the time that no Canadian doctor would be giving steroids to anybody?

A. I didn't have an opinion. I was trying to formulate an opinion, obtaining enough information to formulate an opinion.

10

Q. How did you think Canadian athletes, other than from doctors, would be getting steroids?

A. I had no idea. You know, maybe the black market, but, you know, that was, you know, I had no idea. I was never told the facts of life.

15

Q. Never. How old were you then?

A. When?

Q. In 1985?

A. Twenty-two, twenty-three.

Q. And never told the facts of life.

20

THE COMMISSIONER: He is talking about steroids.

MR. SOOKRAM: I appreciate that.

MR. SOOKRAM:

25

Q. So, you decided to see whether there was any substance in what those people told you?

A. Yes.

Q. But not until after your carding or
your funding from the card was cut off?

A. Yes.

5

Q. You didn't want to find out before
that?

A. I had no reason to find out before
that.

10 Q. I see. So, your reason after the
funding was cut off was to then to decide, well, I have
some new interest, let me check out this doctor. Is that
right?

A. No.

15 Q. Why did you wait until after your
funding was cut off?

A. Because I wanted to know if I was
cheated out of a potential carding position that might
have rightfully been mine.

20 Q. And you thought the doctor would solve
that problem for you?

A. I felt I might find out information.

Q. Which will give you the funding back?

25 A. No. But it would give me a sense of
pride and dignity that I had competed clean while others
around me had not been clean.

Q. You won three golds in the winter of '85 in the indoor meet, did you not?

A. Yes, early '85.

5 Q. And later that same year you won nothing, not for the rest of the year?

A. Yes.

Q. And you went to Japan and won nothing?

A. Yes.

10 Q. And you still expected to be funded; you thought you had been cheated?

A. I didn't say that I felt I was cheated. I just said that I felt that I had not reached my peak. I was still only 22, 23. I don't reach -- 400 meter runners don't reach their peak until their mid-twenties.

15 Q. And you didn't go to Dr. Astaphan to help you to reach your peak?

A. No.

Q. You went to investigate?

A. I went to investigate.

20 Q. Yes. Were you given a brief by the College of Physicians and Surgeons to help with your investigation?

A. Of course not.

25 Q. Do you have a licence as a private investigator?

A. No -- oh, I did at one time.

Q. Where did you obtain that?

A. From the OPP.

5 Q. And were you conducting this investigation on behalf of the OPP?

A. No.

Q. No. Were you conducting this investigation on behalf of the track and field association?

10 A. No. I have already told you my reasons.

Q. You told me it was your own. I just want to make sure that there weren't alternatives.

15 You took it upon yourself to investigate this doctor?

THE COMMISSIONER: I think in fairness what he is saying, Mr. Sookram, is that he worried that he wasn't competing successfully because others that he is competing against were taking steroids. And he wanted to satisfy himself that that was the reason why they were doing better than he was. It might have been a very false premise, but I think that's what he is saying.

20 Is that what you were saying?

THE WITNESS: Yes.

25 THE COMMISSIONER: I am not the witness, not

all the time, anyway.

BY MR. SOOKRAM:

Q. Is there any particular person who was
5 competing with you whom you suspected -- don't mention a
name -- whom you suspected at that time of taking
steroids, competing directly against you?

A. Yes.

Q. And is there any reason why that person
10 was connected with Dr. Astaphan -- why you connect that
person with Dr. Astaphan?

A. Why do I connect them now?

Q. No, at the time when you decided to
embark on this investigation of yours?

15 A. Because I noticed changes in his body
from one year to the next.

Q. And the person was competing directly
against you?

A. Yes.

20 Q. In your event?

A. Yes.

Q. And he was Dr. Astaphan's patient?

A. Yes.

Q. Name him?

25 A. Mike Sokolowski.

Q. And so, you thought Mike Sokolowski was going to Dr. Astaphan and getting steroids and that is why he was beating you?

5 A. Not necessarily. It was -- I had many reasons. I wanted to know the truth about high performance sport in track and field.

10 Q. But you told me -- you told us yesterday that after 1985, the exact wording you used, it was a final race of my career -- you had already decided after '85 in Japan not to run any more?

A. Yes.

Q. And yet your inquiry, or so you want us to believe, that you were making this private investigation just to satisfy yourself?

15 A. Yes.

Q. That you were not beaten fairly?

A. Yes.

Q. What reason did you have -- let me rephrase that. To what club did you belong?

20 A. Etobicoke.

Q. Etobicoke. To what club does Mr. Sokolowski belong?

A. Scarborough.

25 Q. Scarborough. You are not members of the same club?

A. No.

Q. You don't know his training methods?

A. No.

5 Q. No. Did you have any reason in particular to believe that this particular athlete, Mr. Sokolowski, was beating you because he was getting drugs from Dr. Astaphan?

A. No.

10 Q. No. And eventually you made a phone call and set up an appointment to see Dr. Astaphan?

A. Yes.

Q. Just to continue with your investigation. You went there, sat yourself down. Did the doctor see you in the waiting room?

15 A. No.

Q. He hadn't come out at all?

A. No.

Q. Then Mr. Johnson walks in; is that right?

20 A. Yes.

Q. How long were you there before Mr. Johnson came in?

A. Five or ten minutes.

25 Q. Five or ten minutes. And how long -- you did tell us yesterday that you had no conversation

with Mr. Johnson; is that right?

A. Just very brief small talk.

Q. Small talk?

A. "Hello, how are you."

5 Q. "How are you." If my memory serves me right, you didn't discuss the steroid epidemic in Canada?

A. No.

Q. You didn't discuss steroids at all?

A. No.

10 Q. You didn't discuss growth hormones?

A. No.

Q. You didn't discuss performance-enhancing drugs in any shape or form?

A. Of course not.

15 Q. No. And you didn't ask him why he was there?

A. No.

Q. And he didn't ask you why you were there?

20 A. No.

Q. And you had one look at him and you knew why you both were there?

A. In my opinion.

Q. Are you a mind reader, sir? Are you a
25 mind reader?

A. No.

Q. But you could read his mind?

A. No, but I can form my own opinions.

Q. Based on what?

5 A. Based on information that I had received.

Q. Based on the absence of conversation.

THE COMMISSIONER: No, no, that's not fair.

He said he had other information upon which he based his
10 opinion.

MR. SOOKRAM:

Q. You must have known, sir, that there are -- there were witnesses here who testified to the fact that Mr. Johnson was very concerned about people's knowledge of his alleged involvement with steroids. You know that, don't you?

A. Yes.

Q. All the witnesses who testified here said Mr. Johnson didn't want word to get around?

A. Yes.

Q. He wanted this knowledge, if it can be established --

25 MR. FUTERMAN: Excuse me, Mr. Commissioner, I know Mr. Sookram doesn't mean any harm to my client, on

the other hand I think when he says "all the witnesses made that statement", I think that is a

THE COMMISSIONER: Not all of them, some did not everybody was asked that.

5

MR. FUTERMAN: -- wee bit of an overstatement.

MR. SOOKRAM: I thank you.

THE COMMISSIONER: Thank you, Mr. Sookram.

10

MR. SOOKRAM:

Q. All the witnesses who testified about Mr. Johnson's alleged involvement with steroids, did say without exception that Mr. Johnson was very concerned that this knowledge be kept in the smallest possible circle.

15

You know that for a fact --

A. Yes.

Q. -- don't you. And you told us yesterday that you were waiting before Mr. Johnson arrived?

20

A. Yes.

Q. The doctor came out, correct me if I go wrong, and didn't call you in, he called Mr. Johnson in?

A. Actually it was the receptionist who called Ben in.

25

Q. Yes. The receptionist called Mr.

Johnson and not you?

A. Yes.

Q. Did you say I was here first?

A. No.

5 Q. No. And then Mr. Johnson called you?

A. Yes.

Q. To see him drop his pants and get an
injection?

A. Yes.

10 Q. And you knew that the injection at that
time -- did you know what the injection was?

A. No.

15 Q. And so, you walk into this doctor's
office, whom you hadn't met before, who hadn't seen you
before, and he allows you into his office to he see him
administer an injection to one of his patients?

A. Uh-huh.

Q. And you, a total stranger to the
doctor?

20 A. I wasn't a total stranger. He told me
that he had heard of me.

Q. Subsequently?

A. At the -- you know, after Ben had left.

Q. After Ben had left. When you walked in
25 there, he didn't know who you were from Adam?

A. I don't know; I am not a mind reader.

Q. You had never met him -- you had never
met him?

A. No.

5 Q. You had never seen him?

A. No.

Q. No. So, it is safe, is it not, to
assume that he didn't know who you were?

10 A. No, it is not, because he told me that
he knew of me, so --

Q. He knew of you, but he didn't know what
you looked like?

A. I don't know; I am not a mind reader.

Q. Did you ask him how he knew you?

15 A. Yes.

Q. What did he say?

A. He had seen me run.

Q. He had seen you run?

A. Yes.

20 Q. And so, you are asking this Commission
to believe that a doctor would have you present when he is
injecting a patient?

A. Yes.

Q. Where did he do this injection?

25 THE COMMISSIONER: Pardon? I am sorry.

MR. SOOKRAM:

Q. Where? I know it was on -- allegedly on Mr. Johnson's buttocks?

A. Yes.

5

Q. Where in the clinic did this take place?

A. In his office.

Q. And you were standing there in his office?

10

A. No, I was sitting in a chair and Ben was to my left. And Ben got up out of his chair and pulled his pants down.

Q. And at that time had you told the doctor what you were there for?

15

A. No.

Q. Just a witness to the administration of an injection?

A. That's correct.

Q. And after Mr. Johnson left --

20

THE COMMISSIONER: What date was that, Mr. Sookram.

MR. SOOKRAM: That was the 12th of September, sir.

THE COMMISSIONER: Does this record show the date? Is there --

MR. SOOKRAM: I got that date when it came out yesterday. I made a note of it, subject to correction, of course.

5 THE COMMISSIONER: But it does show a visit by Mr. Bethune to the doctor on that date? Are we talking about the same date?

MR. SOOKRAM: Yes.

THE COMMISSIONER: There is a record of that visit here?

10 MR. SOOKRAM: Yes, it is there.

THE COMMISSIONER: Thank you. Because I am looking at this and I don't find a date for them.

MR. ARMSTRONG: There is a column, Mr. Commissioner, that says "service day".

15 THE COMMISSIONER: It says 10th; what month is that? Are you talking about the 10th?

20

25

THE COMMISSIONER: I'm sorry to interrupt,
but is says 10th up here.

MR. ARMSTRONG: Sorry. This is October.
The first visit is September and looks like the 12th.
5 They're not in order.

THE COMMISSIONER: Oh, I see, thank you.
MR. ARMSTRONG: Okay. See, there is the
12th, the 19th.

THE COMMISSIONER: And this is September?
10 MR. ARMSTRONG: And the 26th and that's
September. You get the month up here.

THE COMMISSIONER: Okay, I see it now, thank
you. Sorry, Mr. Sookram, I didn't mean to interrupt. I
was just trying to follow this chart a bit. So, we are
15 talking about the 12th of September, is that right?

MR. SOOKRAM: Yes, sir.

THE COMMISSIONER: Thank you. Thank you.

MR. SOOKRAM:

20 Q. Mr. Bethune, my recollection is that
you told us yesterday, do correct me any time you think
I'm wrong, you told us yesterday that once Mr. Johnson was
in the clinic with Dr. Astaphan and whilst you were there,
there was no mention about protocols?

25 A. Yes.

Q. No mention about steroids?

A. Yes.

Q. No mention about any named drug?

A. Yes.

5 Q. And then after Mr. Johnson left, you said, 'I want what Ben had, what Ben is getting', is that right?

A. No, I said I want to go on Ben Johnson's program.

10 Q. Program. So, he was getting milk; you expected to get milk?

A. No, I did not know what to expect.

Q. If he was getting milk, wouldn't you expect to get milk, too?

15 THE COMMISSIONER: Well, I think he told us yesterday he knew it was a steroid program.

MR. SOOKRAM:

Q. You knew it was a steroid program?

20 A. I suspected it was a steroid program.

Q. Quite a lot of difference. You suspected it was a steroid program and you asked to go on the same program?

A. Yes.

25 Q. Did you ask what you were going to get?

A. No.

Q. So, you dropped your pants and you got an injection, too?

A. Eventually.

5

Q. And then the doctor gave you some pills, one to be taken each day and then he threw the bottle in the bin?

THE COMMISSIONER: Not the first visit.

10

MR. SOOKRAM: This is what my instruction -- my notes say. Every time he gave him the tablets he threw the container in the bin.

THE WITNESS: No, he gave me a one week supply of pills.

THE COMMISSIONER: In an envelope.

15

THE WITNESS: At one of those times he threw the bottle in the garbage.

MR. SOOKRAM:

Q. Only one time.

20

A. I don't have --

MR. SOOKRAM: Mr. Commissioner, I have ---

THE WITNESS: ---recall every single ---

MR. SOOKRAM: I'm sorry.

25

THE COMMISSIONER: I misunderstood. I think he said that after he was taking the pills for some,

whatever time, on one occasion, the doctor gave him pills and threw the bottle in the wastepaper basket.

MR. SOOKRAM: This is why, Mr. Commissioner ---

5

THE COMMISSIONER: I didn't think ---

MR. SOOKRAM: I ask your indulgence.

THE COMMISSIONER: I didn't think it was the first time, but you might correct that, if I'm wrong.

10

MR. SOOKRAM: I'm sure that -- I made a specific note here because it did strike me strange at the time.

THE COMMISSIONER: I didn't think it was the first time that he took the pills from the doctor. But you might ask the witness. My impression was later on.

15

MR. SOOKRAM: Yes, I remember the last time when he asked for the bottle, it was retrieved from the bin. But, I have a note here which says, "After the doctor gave him the pink pills in a white envelope he threw the bottle away."

20

THE COMMISSIONER: On one of the visits.

MR. SOOKRAM: He poured pills and threw the bottle away.

THE COMMISSIONER: I'm not sure that was ---

MR. SOOKRAM: And ---

25

THE COMMISSIONER: Excuse me. I'm not sure

that is the first visit.

MR. SOOKRAM: That was repeated more than once, on the second occasion.

THE COMMISSIONER: You asked him when --

5

THE WITNESS: Maybe; not by me. Maybe by someone asking the question of me.

THE COMMISSIONER: You might ask him when that incident occurred. My impression was, it was after -- one of the later visits. But, you might ask him that.

10

I am sure he will clarify it.

MR. SOOKRAM:

Q. Mr. Bethune, my notes say that, "After he gave me the -- some pink pills in a white envelope to be taken one a day, he poured the pills out and he threw the bottle away."

Could you have said that or did I make a wrong note?

A. He might have done that on more than one occasion.

20 MR. SOOKRAM: Thank you.

THE COMMISSIONER: When was it -- how many times did you actually say, 'May I see the bottle'?

THE WITNESS: Once. He might have thrown the bottle out 20 times.

25

THE COMMISSIONER: I don't recall you saying he threw it out any other time, but...

THE WITNESS: Well, I didn't pay ---

5 THE COMMISSIONER: Excuse me. What visit was it when you finally asked him, "May I see the bottle"? Is that the first visit, second visit or third or fourth?

THE WITNESS: Oh, it was, I would say well into October.

THE COMMISSIONER: I see, thank you.

10 MR. SOOKRAM: May I continue, sir?

THE COMMISSIONER: Yes, please?

MR. SOOKRAM:

15 Q. So he may have thrown away the bottle in the first visit, on your first visit?

A. It's possible.

Q. It's possible. And he may have thrown away the bottle on your second visit?

A. It's possible.

20 Q. On the first visit you got seven tablets?

A. I can't remember the exact number.

THE COMMISSIONER: Well, can I read the record, though, so we won't be under any misunderstanding?

25 MR. SOOKRAM: Yes.

THE COMMISSIONER: He's asked by Mr.

5 Armstrong:

"Q. Now, just following that up from the Commissioner, you have told us that on a first visit, Dr. Astaphan didn't tell you what the pink pills were.

At what point, as you say, eventually did he tell you what the pink pills were?

A. I can't recall the exact visit but it was at least three or four visits into -- no, even more I would say. A good month or more into my visits when I, you know, finally had the nerve, to ask him because at that time I wanted to pretend like I knew what was going on.

You know, I didn't want to, you know, create the appearance, you know, that I was naive, you know...."

20 Everybody uses this expression, "you know"....

"Unless he get suspicious. He'd always, you know, pour out the pills in an envelope and then throw the bottle away.

25 One day when he threw the bottle out, I said, can I take a look at the bottle that

you threw out and he said sure. So he reached in the garbage and pulled out the bottle and I read it."

5

MR. SOOKRAM:

Q. So, I am right in saying that -- you testified yesterday that on one more occasion he threw the bottle away?

10

THE COMMISSIONER: That's right. But only once apparently did he ask him to see it.

MR. SOOKRAM: Yes. I'll be coming to that in due course.

THE COMMISSIONER: Thank you. Thanks.

15

MR. SOOKRAM:

Q. You were in one of those -- from your description, tell me if I'm wrong, you were in one of those pyramids with the pills, right?

A. Yes.

20

Q. You took one in the first week, two in the second week, three in the third week, back down to two in the fourth week, back down to one in the fifth week?

A. Yes.

THE COMMISSIONER: Those, of course, are

25

daily doses.

MR. SOOKRAM: I beg your pardon?

THE COMMISSIONER: Daily doses.

MR. SOOKRAM: Yes, yes, I appreciate that.

5

MR. SOOKRAM:

Q. And you went in every week for your pills and your injection?

A. Yes.

Q. Yes, the record shows that. And on the 10 fourth or the fifth occasion -- I can't rightly remember exactly which one you told us it was -- I have two notes here. One says October 5th, one says November 4th. On the fourth or the fifth occasion, you asked what you were getting?

A. Yes.

Q. Not on the third occasion?

A. I was just giving a general idea of when it was. I didn't keep the note, you know...

Q. But you told us yesterday, in no 20 uncertain terms, that after about a month or so you asked to see what you were getting?

A. Yes.

Q. So by that time you would have been at least four weeks in the cycle?

A. Yes.

Q. You are now coming down the pyramid?

A. The cycle was three pills a day for two weeks and then back down. So, that the cycle was actually six weeks long commencing on the 19th, approximately.

5

Q. I see. Thank you for your correction, sir.

A. So I might still have been taking three pills.

Q. You still might have been taking three pills. And then you told us -- you told Mr. Barber this morning you cut down as soon as you saw the bottle?

A. Yes.

Q. Yes. You didn't stop all together?

A. I stopped as quickly and -- as, you know, as I could safely do, in my opinion.

Q. In your opinion?

A. Yes.

Q. You didn't ask the doctor whether you should stop it?

A. Of course not.

Q. Did you go to any other doctor to find out if you could stop it?

A. No.

Q. You just decided, 'I cannot stop, I must go on and taper off'?

5

A. The information that I had read in the book, that I had photocopied, informed me of the fact that steroids cannot be, you know, can you not stop steroid use cold turkey. You have to gradually wean yourself off the drug.

Q. If you're training?

A. At any time.

10

Q. And so, what you read in the book is what compelled you to continue using something that you thought -- that you believed was meant for animals?

A. No. What I read in the book was what I considered the safest way to get off the drug as quickly as possible.

15

Q. But you went back to the doctor?

A. Yes.

Q. Did you not?

A. Yes.

20

Q. Even after your program had finished, you did -- you weren't going on another program? Definitely not?

A. No.

Q. No. Because you knew now or at least you thought you knew these were pills meant for animals?

A. Mm-hmm.

25

Q. You went on with that doctor for

another four months, at least. Is that right?

THE COMMISSIONER: We have the records here, I think, Mr. Sookram. When was the last visit?

MR. ARMSTRONG: February the 6th.

5

THE WITNESS: But, some of those visits were normal doctor visits.

MR. SOOKRAM:

Q. Yes, I appreciate that. I'm not saying 10 you went on for steroids. I didn't mean to make a suggestion like that. You continued seeing the same doctor whom you allege gave you tablets that were meant for animals?

A. Yes.

15 Q. You told us that you were shocked?

A. Yes.

Q. At what you found out?

A. Yes.

20 Q. And here you are continuing with the same doctor?

A. Yes.

Q. Now, I take it you're aware of the evidence given so far as regards Dr. Astaphan's first introductory involvement with drugs and athletes?

25 A. Yes.

Q. So far, all the testimony seems to indicate that Dr. Astaphan came on the drug scene, the steroid scene, late in '83, early '84.

THE COMMISSIONER: In Canada.

5

MR. SOOKRAM:

Q. In Canada. You told us that when the doctor was attempting to assuage your fears or to make you comfortable with your use of steroids, he told you that he had 15 or more years of experience with steroids?

A. Yes.

Q. You did tell us that, didn't you?

A. Yes.

Q. Had you, at that time, known the -- known of the doctor's involvement? You said you had information. Did anybody tell you that Dr. Astaphan only recently came on the scene?

A. No.

Q. Nobody did?

A. No.

Q. So what you really wanted to find out was two things, wasn't it, or am I wrong? You wanted to find out whether a steroid program works?

A. Yes.

Q. That was one of your phrases. I just

copied it verbatim. And you wanted to find out -- you wanted a private investigation for reasons best known to yourself?

A. I've made my reasons as clear as I can.

5

Q. You wanted to see what kind of doctor will give steroids to an athlete. You had seen that the first week, did you not?

10

A. No, that was not the second reason. As I stated before, I stated that I wanted to know, you know, who was taking drugs and as I went on, you know, week in and week out, I found out a little bit more about the drug scene in Canada. He kept -- he always had discussions about Charlie and his group.

Q. Yes?

15

A. And, you know, it just made the picture clearer for me.

Q. But the doctor just volunteered all this information to you?

A. Yes.

20

Q. You made notes of it at the time?

A. Mental notes.

Q. Mental notes. When -- how did it come about that you are testifying today? Who approached you?

25

THE COMMISSIONER: I don't know how that's relevant, Mr. Sookram?

MR. SOOKRAM: Mr. Commissioner, I'm sorry. This gentleman's motive is very much in question and perhaps I didn't put the question the way you wanted it.

5 THE COMMISSIONER: I don't understand that question, myself. He's here because he's been subpoenaed by Mr. Armstrong.

MR. SOOKRAM: So simple.

BY MR. SOOKRAM:

10 Q. Did you volunteer to give this information to Mr. Armstrong?

A. No.

Q. Did the Commission find you or did you find the Commission?

15 A. The Commission found me.

Q. Found you. When?

A. They phoned me.

Q. And you gave this information in November 1988?

20 A. To the Commission?

Q. Yes?

A. No. I gave the information to the Commission -- I think Mr. Armstrong would be able to tell you the exact date. I think it was early this year.

25 Q. This year?

A. Yes.

Q. You never gave this information to anybody in 1985?

A. Well, I told my family.

5 Q. You didn't give this information to anybody in 1986?

A. I told my family and my coach knew of this.

10 Q. You didn't challenge a doctor with this information?

A. I'm not a doctor.

Q. You didn't tell your own family doctor anything about it? I'm just recapitulating -- you already told me that.

15 THE COMMISSIONER: I think he obviously told the coach but we have that in evidence.

MR. SOOKRAM: Yes.

THE COMMISSIONER: In '85. He told the coach -- the coach was present on one occasion.

20 MR. SOOKRAM: Yes.

MR. SOOKRAM:

Q. Why did you wait all this time?

25 A. I did not wait. I was subpoenaed or I was told that I must give this information under threat of

subpoena.

Q. Now, you're a university graduate, are you not?

A. Yes.

5 THE COMMISSIONER: I don't understand the question, Mr. Sookram. He was subpoenaed to give evidence and with great respect ---

MR. SOOKRAM: I'm moving from the point, Your Honour.

10 THE COMMISSIONER: The fact that he attended at Dr. Astaphan office, it's been proven.

MR. SOOKRAM: I am moving from the point. I have left the point.

15 THE COMMISSIONER: It would be different if you were suggesting he never went to the office but obviously you don't contest the fact that he was a patient?

MR. SOOKRAM: No, I'm not contesting the fact that he was a patient. What I'm contesting is his 20 version of the ---

THE COMMISSIONER: He's given the answer. This question, whether it's relevant....

MR. SOOKRAM:

25 Q. Now, you are a university graduate.

How old were you in 1985? 22, you said?

A. 22, 23.

Q. 22. And you believe that a doctor, Dr. Astaphan, gave you an injection which was meant only for animals?

A. No, that is not correct. He did not give me an injection of anything.

Q. Oh, sorry. He gave you some tablets which were meant only for animals. You believed that?

A. That is what I read on the bottle.

Q. Yes. You don't know what was in the bottle?

A. I read the label.

Q. But you don't know whether the bottles correspond -- whether the labels corresponded with the tablets?

A. I trusted that when I asked him to see the bottle of pills that he had just thrown away, that that was what I -- I figured that what he was giving me was indeed the pills that were in the envelope.

Q. Did you think of reporting the matter to the College of Physician and Surgeons?

A. No.

Q. Did you think of reporting the matter to the Athletic Committee and tell them, look here, other

people have been cheating. I haven't been cheating, why am I not reinstated?

A. No.

5 Q. But, that was one of the reasons you went in, in the first place, because you felt you were cheated and you wanted to find out who was doing the cheating?

A. I wasn't doing it for personal gain. I was doing it to satisfy my own suspicions and beliefs.

10 Q. Now, after you got knowledge that this substance, this pill, was for veterinary use only, you continued?

A. No, I discontinued as quickly as I safely could.

15 Q. But you didn't stop?

A. No, I believed it was unsafe to stop.

Q. You believed?

A. At that time.

20 Q. You didn't go and consult anybody at all?

A. I didn't want to consult anybody.

Q. You didn't want to. Throughout all this, I get the picture that you like to find out things for yourself. Am I right?

25 A. Yes.

Q. And you wouldn't have been satisfied until you had established for yourself, whether or not steroids could enhance your performance, is that right?

A. Yes.

5

Q. Now, after your first workout on the track, did you feel the extra splurge of energy?

A. Not really.

Q. Not really. Second workout?

A. I'm not sure. It was, you know...

10

Q. Building up?

A. It was gradual.

Q. Gradual. By the third week, would you say?

A. Give or take a few weeks.

15

Q. By that time you'd had seven of the tablets in the first week, 14 in the second week, 21 in the third week; 42.

20

So, just about that time you discovered that it was not what you expected it was going to be? You discovered it was, from the label ---

THE COMMISSIONER: The label said for veterinarian use only is what he said.

MR. SOOKRAM: I beg your pardon, sir?

25

THE COMMISSIONER: The label says for veterinarian use only. That's the bottle that we have

here.

MR. SOOKRAM:

Q. And you discovered that and you
5 continued to a point where you were certain ---

A. Can you rephrase that, please?

Q. When did you become certain that this
steroid that you were given was effective in enhancing
your performance?

10 A. Like you just mentioned, you know, a
few weeks before....

Q. A few weeks. But other people had
already told you that, didn't they?

A. People lie.

15 Q. People lie. You don't believe what
they say? You had seen changes in the other athletes who
told you that others were using performance enhancing
drugs. You didn't believe them?

A. I didn't know for certain.

20 Q. You know fire burns? People tell you
that, don't they? Fire.....Burns....?

A. Yes.

Q. Do you put your hand in to find out for
yourself?

25 A. No.

Q. What sort of track were you training on, cinder track or grass track?

A. It was chevron? Chevron.

5 Q. I see. Did it have a grass edge, soft on the feet?

A. No, it was on a foundation of concrete and, you know, had -- well, if you ---

Q. No grass spots?

10 A. If you go to Centennial stadium you'll see the precisely the track.

Q. I thank you for the invitation, sir. I've never been there. I'll go one day. I'm asking you to tell me whether or not there is any grass verge leading to the track. Any grass surrounding the track?

15 A. Yes.

Q. Where you could run on soft ground?

A. Yes.

Q. Had you been injured in the track at any time before?

20 A. Yes.

Q. Where? Where were the injuries? I don't mean which country. Did you have tendon trouble at any time before?

A. No.

25 Q. In your eight years on the track?

A. No.

Q. Did you have ankle trouble, eight years
on the track?

5 A. I had twisted my ankle every now and
then.

Q. Because of the hardness of the track?

A. No.

Q. Because of the hardness of your
training?

10 A. No.

Q. Why?

A. Because I had stepped in some
imperfection on the sidewalk or somewhere.

Q. And so sometimes you ran on the grass?

15 A. Not very often. Not at all hardly.

Q. When you were using these steroids,
allegedly meant for animals, did you at any time feel the
need to get down on all fours and eat the grass.

THE COMMISSIONER: What was that question?

20 THE WITNESS: Can you rephrase that, please?

THE COMMISSIONER: That's not dignified, Mr.
Sookram. That's not dignified and I don't think he should
answer that.

25 MR. SOOKRAM: You were using steroids meant
for animals, according to you.

THE COMMISSIONER: It says on the bottle is all he's saying. We have a bottle here. I don't think that's a very fair way of putting your proposition. So far, you're doing quite well. I think you're going to 5 lose it, if you carry on that way.

MR. SOOKRAM: I thank you, sir.

THE COMMISSIONER: Thank you.

MR. SOOKRAM: Thank you, sir.

THE WITNESS: You're welcome.

10

MR. FUTERMAN: Excuse me, Mr. Commissioner. I was beginning to relax and thinking about my lunch and we suddenly get called.

15

THE COMMISSIONER: Would you prefer to adjourn now.

MR. FUTERMAN: No, no. I think we can carry on now, sir. I think Mr. Armstrong doesn't want to be my right-hand man.

20

THE COMMISSIONER: You sit in Mr. Sookram's seat, Mr. Armstrong.

MR. ARMSTRONG: That's right.

EXAMINED BY MR. FUTERMAN:

Q. May I call you Tim. I find Mr. Bethune kind of awkward.

25

THE COMMISSIONER: I think you should call

him Mr. Bethune and he should call you Mr. Futerman and not Ed. Mr. Bethune, meet Mr. Futerman.

MR. FUTERMAN: Mr. Futerman.

THE COMMISSIONER: Sorry.

5

MR. FUTERMAN:

Q. Mr. Bethune, when I heard your evidence yesterday and today, I had the impression of a young man who's feeling terrible pangs of guilt for getting involved in the steroid program even for a short period of sometime. Is that a fair assessment?

A. No, I'm not guilty.

Q. I didn't say that you were guilty of taking steroids at a time when you were training for a competition. But even the fact that you had started taking steroids at all was something you didn't feel very good about. Is that a fair assessment, Mr. Bethune?

A. I had -- I had reservations about entering the entire process.

Q. But even during the time that you were taking, during the six week period that I think you've described that you were taking steroids, you never felt good about it?

A. No.

Q. No. And even to this day, there are

times you feel pangs of guilt for even getting involved in that program. Is that a fair assessment?

A. No, it's not.

Q. Okay.

5 A. I feel that I found the truth out and I was glad that I had, you know, undertaken the exercise in order to find out the reality which later proved true.

Q. You've known Ben since, I believe, 1981, is that right?

10 A. Yes.

Q. And up until the time you saw him in the doctor's office in 1985, how did Ben treat you? How did you get along with Ben?

A. Ben and I got along fine.

15 Q. How would you describe Ben's character? How would you describe Ben in terms of comparing his treatment of you with others in the Mazda or Scarborough Optomist Club?

20 A. Ben is a pleasant person, jocular inoffensive. He didn't act in a egotistical way and I liked him very much.

Q. Okay. Is it also fair to say during the approximate four years that you knew Ben, prior to seeing him in the doctor's office in 1985, Ben never 25 talked to you about anabolic steroids?

A. No.

Q. Never talked to you about banned substances?

A. No

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20

25

Q. After the L.A. Olympics in 1984, you worked very hard and you'd finished, I think, eighth in the finals?

A. Yes.

5

Q. That was disappointing to you, obviously?

10

A. No, I was happy with just making the final because we, our relay team wasn't really scheduled to be there. And we'd beaten out the silver medalists at the World Championships in order to get to the final, so in my mind I was happy.

Q. Why did you see a sports psychologist after this?

A. I don't recall.

15

Q. You don't recall seeing a sports psychologist?

A. Could you refresh my memory?

20

Q. I don't have that statement, but I was under the impression you might have seen a sports psychologist. We can check that during lunchtime, perhaps, and if that information is available, I will put it to you again. All right?

But you have no recollection of seeing a sports psychologist?

25

A. No.

Q. Do you have any recollection of seeing Charlie Francis?

A. I always saw Charlie Francis.

5 Q. Did Charlie Francis give you any advice about how you could improve your performance?

A. Of course.

Q. What did he tell you?

A. He told me to relax my shoulders.

Q. He told you you were too tight?

10 A. Yes.

Q. Not relaxed enough?

A. Yes.

Q. Did you feel his advice was sound?

A. Yes.

15 Q. Are you saying you sought out Charlie Francis' advice from time to time? Is that because of his role as a national coach or because you were looking to him for advice for other reasons as well?

20 A. I sought him out because of his reputation as a producer of world-class athletes and a person who has seen many 400-metre performances in runners.

Q. In any event, we get to that day that you decided to see Dr. Astaphan?

25 A. Um, hm.

Q. And that was the day that you saw Ben come into the waiting room. And how were you feeling when you were sitting in the waiting room? Were you concerned?

A. Yes.

5

Q. Were you nervous?

A. Definitely.

Q. I understand that. And you were apprehensive about broaching the subject of steroids?

A. Yes.

10

Q. You were troubled?

A. Somewhat.

Q. You were troubled even being there, is that a fair statement to make?

A. Yes.

15

Q. You felt somewhat guilty about even having to go there?

A. Yes.

20

Q. You were confused as to what your motives were for being there, although you indicated you were curious?

A. I was confused whether it was worth it to go.

25

Q. In any event, you suddenly saw Ben, and you put one and one together and you came up with two. You decided he was there for the same reason you were?

A. It enhanced my suspicions.

Q. But there was no doubt in your mind as soon as you saw him there, he was there to receive steroids?

5

A. That was my strong belief at that time.

Q. It never occurred to you that he might have been there for any other reason, a medical reason?

A. My mind was open.

Q. Your mind was open?

10

A. I hadn't any concrete proof at that point.

Q. And, obviously, even today you don't have any concrete proof as to why he was there that day, other than the opinion you formed?

15

A. That's right.

Q. And he gave you that look?

A. Yes.

Q. As soon as you saw that look, you knew that he was there on that occasion to receive steroids?

20

A. Well, whenever I met him, he never looked surprised before. He never looked shocked before, and at that time he did.

Q. All right. Had he ever seen you in Dr. Astaphan's office before?

25

A. No.

Q. Would it be reasonable to assume that he would not have expected you to be there on that occasion?

A. Yes.

Q. Pardon me?

5

A. Yes.

Q. You had never gone there before?

A. No.

Q. And suddenly he saw you there, and he assumed that shocked look and that surprised look that 10 meant, you knew, that he was there to receive steroids?

A. Yes.

Q. That was the opinion you formed?

A. Yes.

Q. Is it fair to say that that opinion may 15 be wrong?

A. Yes.

Q. You then described how you went into the doctor's office?

A. Yes.

20 Q. And how Ben -- I'm sorry, you went after Ben invited you into the doctor's office?

A. Yes.

Q. And that Ben then dropped his training pants, received the shot, injection, as you've described, 25 and that you saw the liquid in the syringe?

A. Um, hm.

Q. And you recall it being reddish brown?

A. Yes.

Q. That's your clear recollection?

5

A. Well, as clear as I can give you.

Q. That's fair. I'm not suggesting it's not accurate. I just want to be sure that that's your statement. And had you ever seen an injection of a steroid before?

10

A. No.

Q. And you came to the conclusion that that injection was some form of steroid; is that correct?

A. I didn't know what it was.

15

Q. But you concluded, it was your opinion that probably that injection was some form of steroid; is that fair to say?

A. No, it's not fair to say.

Q. Well, what did you think it was?

20

A. I did not know. I wanted eventually to find out.

Q. All right. And to this day do you know what that reddish-brown liquid probably was?

25

A. Well, when I asked the doctor, when he injected me with a substance of similar appearance, he told me it was growth hormone.

Q. The reddish-brown colour?

A. Yes. I might be wrong with the colour --

Q. Yes.

5 A. -- but whatever he injected me with, that's what he told me it was.

Q. But the reddish-brown colour that you saw the first day that Ben was injected, you don't know what that was?

10 A. No.

Q. Is that fair to say? Have you ever heard of B-12 inosine, the mixture?

A. Yes, I've heard that through the testimony.

15 Q. And you've heard that the mixture has a reddish-brown colour to it?

A. Yes, I did.

20 Q. And, now, as a matter of fairness, having regard to all the evidence you've heard, is it not probable that the injection or the liquid you saw in the syringe on that occasion was most likely B-12 inosine?

THE COMMISSIONER: That's not for this witness to say. We've had evidence that sometimes they're mixed up. Several steroids are mixed with the B-12 and it comes out the reddish substance.

MR. FUTERMAN: Your recollection is obviously better than mine.

THE COMMISSIONER: He asked to be on the safe program, and he thought he was on the safe program.

5

MR. FUTERMAN: We're talking now about his opinion, sir. I think what he had before was an opinion that he gave, and I just want to question the accuracy of that opinion. It may be wrong; it may not be wrong.

10 THE COMMISSIONER: I don't think you can do that by indicating a reddish-brown substance would never include steroids because we know it does indicate. It's often a mixture of the steroid plus the Vitamin B and inosine.

15 MR. FUTERMAN: Perhaps I can rephrase the question.

MR. FUTERMAN:

20 Q. Is it possible that the mixture, the B-12 mixture of inosine, I'm sorry, the liquid that you saw -- the liquid you saw may have been a mixture of B-12 and inosine?

A. Yes.

25 Q. And, finally, is it fair to say that -- you're obviously a very bright young man, a university grad -- you trusted this doctor?

A. Yes.

Q. Even though you knew at one time that he was giving you a compound called Winstrol V--

A. No, I didn't know.

5 Q. -- and that this was -- excuse me, for veterinary uses and that even after that you continued to use it for a period of time because you trusted that what he was giving you was something that would not cause you any problems?

10 A. No, at that point I did not trust him.

Q. You did not trust him?

A. But I found it difficult to leave the drug because --

Q. Why?

15 A. -- because I know that in the past I had been threatened with litigation just for making an innocuous statement in a meeting and now knowing, you know, through conversation what the doctor had told me, I had more reason to fear just up and leaving because I had been told various statements, you know, that might damage 20 the reputations of people.

Q. Forgive me. I misunderstand that.

We're not talking now about making any public announcement or declaration as to what you suspected the doctor was giving you. We're talking about after you found out that 25

5

he was giving you a compound called Winstrol V, that you knew was not for human consumption, you continued to see him; you continued to allow him to treat you for other problems in addition to treating you with steroids. That seems to be somewhat inconsistent with your concerns described.

10

THE COMMISSIONER: What's the question now?

MR. FUTERMAN:

Q. The question is why did you continue to see him after you knew that he was giving you a compound that might be dangerous, perhaps not dangerous but certainly not appropriate for human consumption?

15

A. Because I did not want to give him the impression that I was just going there to find out some dirt and then take off.

Q. So you would rather continue taking Winstrol V, even though you knew it was inappropriate for you, rather than hurt his feelings?

20

A. I tapered off of it as quickly as I could and threw the rest away.

Q. But you continued with it for a period of time?

A. For a short period of time.

25

MR. FUTERMAN: Thank you.

THE COMMISSIONER: Mr. Armstrong, any
re-examination?

MR. ARMSTRONG: No.

THE COMMISSIONER: All right. Thank you,

5 Mr. Bethune.

2:30.

-- A luncheon recess was then taken.

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25

THE COMMISSIONER: Ms. Chown.

MS. CHOWN: Thank you, Mr. Commissioner.

Our next witness is Cheryl Thibedeau.

THE COMMISSIONER: Come forth to be sworn,
5 please.

CHERYL THIBEDEAU: Sworn.

THE COMMISSIONER: Ms. Chown.

10 MS. CHOWN: Thank you.

DIRECT EXAMINATION BY MS. CHOWN:

Q. Ms. Thibedeau, I understand that you
currently live in Toronto?

15 A. Yes.

Q. But you're a native of Kingston,
Ontario?

A. Yes, I am.

THE COMMISSIONER: Is your mike on, Ms.
20 Chown? Give it a knock like this. Okay.

MS. CHOWN:

Q. You were born in 1966?

A. Yes, I was.

25 Q. And grew up largely in the Kingston

area?

A. Yes.

Q. I would like to ask you some questions, first of all, about your educational background. I understand that you attended high school in Kingston at 5 Frontenac Secondary School?

A. That's correct.

Q. And you attained your Grade 12 there?

A. Yes, I did.

10 Q. And that would be in 1984?

A. Yes.

Q. And you moved to Toronto for reasons that we'll hear later that have to do with your athletic career in the fall of 1984 and you continued your 15 education at C.W. Jeffrey Collegiate Institute?

A. Yes.

Q. And you attained some of your Grade 13 credits?

A. Yes.

20 Q. I further understand that you're now employed by Brooks Shoes as an inside sales representative?

A. Yes, I am.

Q. And you started with them part time in 25 March of 1988 and have been full time since last November?

A. Yes.

Q. Turning now then to your athletic career, Miss Thibedeau, I understand that you started your running career at an early age in Kingston when you were 5 about age 12?

A. Correct.

Q. What were the events that you were involved in in public school?

A. Sprints mostly, 100, 200, relays, triple 10 jump.

Q. Did you join a club?

A. Yes, I did. At that time it was the Eastern Ontario Olympic Club in Kingston.

Q. And how old were you when you first 15 joined the track club?

A. Twelve.

Q. And you continued to run, I understand, for your public school, and then on to high school did you continue to compete for Frontenac Secondary?

A. Yes, I did. 20

Q. What events?

A. Sprints up to 400 metres and the odd 800 meters.

Q. The 800 was not your --

A. Favorite. 25

Q. Your forte?

A. No.

Q. Who was your coach in Kingston?

A. Duane Bullock.

5 Q. Now, I understand by 1981 you had continued to show increasing promise in the sprints and, in fact, in that year, you attended for the first time a national training camp for sprints?

A. Yes, I did.

10 THE COMMISSIONER: You were 15 then, about 15?

A. I believe so.

MS. CHOWN:

15 Q. And following along that early promise, in 1982 I understand that you went to the Pan American Junior Championships in July of that year. You were the youngest member of the Canadian team?

A. Yes, I was.

20 Q. At age 16?

A. Yes.

Q. Your performance at the Pan American Junior Championships resulted in a fifth place in the 400 metres?

25 A. Correct.

Q. And you were second in the 4 X 400 relay?

A. Yes, I was.

5 Q. I understand as well in 1982 in August you participated in the Ontario Championships, and you were fifth in the 400 metres?

A. I believe so.

10 Q. And turning to 1983, in July of that year, you participated in the Junior National Outdoor Championships in Canada and achieved a first place in the 400 metres?

A. Yes.

Q. And I understand your time in 1983 was 54.95 seconds?

15 A. Yes.

Q. That year you also participated in a Canada-U.S.A. dual meet, as well in a junior meet with Canada, China, Japan and the U.S.A.?

A. Yes.

20 Q. And in both those events you participated in the 400 metres and in the 4 X 400 relay?

A. Yes.

25 Q. And continuing then into 1984, I understand in August of that year you had an impressive performance in the Junior Championships in Ontario,

placing first in the 400 metres and, as well, first in the 200 metres?

A. Yes.

Q. Turning to 1985 --

5 THE COMMISSIONER: Mr. Bethune says the 400 metres is the toughest; is that right?

A. Well, 800 is a bit longer, but the 400 certainly hurts.

10 MS. CHOWN:

Q. Turning to 1985, I understand you participated again in the Junior National Outdoor Championships and placed third in the 400 metres?

A. Yes.

15 Q. You also participated in the National Outdoor Championships that year and were third as well in the 400 metres?

A. Yes.

20 Q. And the distinction there is an age category difference?

A. Yes.

Q. So in the National Outdoor Champion, you would be running against runners who were much older?

A. Yes.

25 Q. And again in that year, in the Ontario

Championships you placed first in both the 200 and 400 metres?

A. Yes.

5 Q. 1986 you participated in the National Outdoor Championships, placing fifth in the 400 metres?

A. Correct.

Q. And in 1987, you were involved in meets in Canada, the National Indoor and Outdoor Championships, participating in the 60 metres at the indoors?

10 A. Yes.

Q. I understand you placed fourth?

A. Yes.

Q. And the outdoor championships you ran both the 100 and the 200 metres?

15 A. Yes.

Q. Placing fifth and sixth respectively?

A. Yes.

Q. Was the 100 metre something that you did not normally run?

20 A. It depended on how my speed was. It turned out, when I came to Toronto, I normally ran 400's, and through training it became apparent I was fast, so he started dropping back my races to the 100 and 200.

Q. I understand as well in 1987 you participated in a European tour and you ran in a number of

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races in Koblenz, Cologne, Zurich and Verona?

A. Yes.

Q. And you had a particularly memorable
experience in Verona in 1987 in that you placed third in
5 the 100 metres, and can you tell us who the first and
second place finishers were?

A. Yes, Angella Issajenko was first and
Evelyn Ashford was second.

Q. You felt proud to be in the company

10 of --

A. I was a happy camper, yes.

Q. And in 1988, I understand that you
participated in the Hamilton Spectator Indoor Games in the
50-yard run and you placed fifth?

15 A. Yes.

Q. And in the Ottawa International Games
placed first in the 55 metres?

A. Yes, I did.

20 Q. And your last competition in 1988 was at
the Toronto Star Indoor Games where you placed fourth in
the 50 metres?

A. I believe it was Toronto Sun at that
time.

25 Q. Toronto Sun, thank you. And as a result
of some injuries that you sustained that we'll hear more

about, you are presently not competing?

A. Correct.

5 Q. Turning then to the question of your coaching, Miss Thibedeau, as referred to earlier, you started out with Mr. Bullock in Kingston, and he was your coach up until 1984?

A. Yes, he was.

Q. Now, I understand in the spring of 1984 you attended a training camp in Provo, Utah?

10 A. Yes.

Q. And is this the training, the year that you became a member of the national team?

15 A. I was carded that year. I believe I was carded 1983 to 1984, but that was my first appearance at a national training camp.

Q. And would your coach, Mr. Bullock, have gone to the camp with you?

A. No, personal coaches were not allowed to come.

20 Q. So who was responsible for the 400 metre runners in Provo?

A. Don Cannon.

THE COMMISSIONER: Who is that?

A. He is a coach from Calgary, I guess.

25 MS. CHOWN: Don Cannon, Mr. Commissioner.

MS. CHOWN:

Q. Up to that point, spring of 1984 in Provo, had you ever met Charlie Francis?

5 A. No. The first time I met Charlie was in the airport on the way to Utah.

Q. Were you familiar with him or had you heard about him as a coach?

10 A. Yes, I heard about him as, you know, the coach of Angella and Ben.

Q. Did you have some contact with Mr. Francis at this training camp?

A. Yes, I did.

Q. Can you tell me how that came about?

15 A. Don Cannon was coaching me for the first week of our visit, and for the second week he had left and I was running dismally. And I approached Charlie and asked him to look at my training and perhaps tell me what I was doing wrong at that time. As it turned out, he had some very good advice and told me that with my training program nobody in Canada could compete, train and compete 20 and still be competitive, either male or female.

25 Q. By that, was he suggesting that the program you had been on was not allowing you to develop to your full potential?

A. Yes. I was running about four seconds slower than the previous season at that time.

Q. And you were how old in 1984?

A. Eighteen.

5 Q. So one would expect that your performance should be improving, not --

A. Yes, from 16 to 18, one would think so.

10 Q. And as a result of that conversation you had with Mr. Francis at the training camp, did you make a decision to bring about any changes in your training program?

15 A. Yes, I did. I realized that although Duane was good and tried very hard, he was somewhat limited. I approached Charlie and asked him if I came to Toronto if he would coach me. At that time, he said he would but to go home and consult my parents and my coach.

Q. I take it that you did that because in the fall of 1984 you moved to Toronto?

A. Yes, I did.

20 Q. Was that with your parents' blessing to be coached by Mr. Francis?

A. Yes.

25 Q. And as we've heard earlier, you also entered Grade 13 in Toronto as well as embarked on a training program?

A. Yes, I did.

Q. You told us before that you'd been associated with a track and field club in Kingston. Did you now change your membership to the Scarborough Optimist 5 Track and Field Club?

A. Yes, I did.

Q. Was that also in the fall of 1984?

A. Yes, it was.

Q. From that point up until the present, at 10 least up until last year when you were still actively competing, has Mr. Francis continued to be your coach?

A. Yes, he has.

Q. Now, Miss Thibedeau, I would like to ask 15 you some questions about your own knowledge and involvement with performance-enhancing drugs, and in particular anabolic steroids. Going back, first of all, to your early years in Kingston when you were in high school, did you have any information or awareness of anabolic steroids or other banned drugs at that time?

A. No, I did not, only things I had seen on 20 TV and suspected that maybe people were using them.

Q. There was no information that you had about the runners that you were competing with in high school, for instance, being on steroids?

A. No.

Q. When you moved to Toronto in the fall of 1984, did you become aware when you became a member of the Scarborough Optimists Track and Field Club of any steroid use among Canadian athletes?

5 A. Yes, I did.

Q. And how did you become aware of that?

A. I was seeing a friend named Michael Sokolowski at the time and we had conversations about steroids and about different people that were using them. 10 He had named Angella Issajenko, then Taylor, Ben Johnson, Dave McKnight, Tony Sharpe as people that were using them.

Q. And we've heard Mr. Sokolowski's name mentioned before. He was a 400-metre runner with the Scarborough Optimists Club?

15 A. Yes, he was.

Q. He was also coached by Mr. Francis?

A. Yes, he was.

Q. I take it that was information you received from Mr. Sokolowski and those were facts provided to you, but did you yourself have any direct discussion at 20 that time with any of the athletes you've mentioned?

A. No, it was simply hearsay from Tony.

Q. Apart from Mr. Sokolowski, I understand you had some discussions with Mr. Francis about anabolic 25 steroids in the fall of 1984?

A. Very brief and very indirect. They were just coming up in conversation, nothing specific at that time.

5 Q. When you say nothing specific, can you help us a bit more on that? What kinds of things was Mr. Francis telling you?

10 A. He would make comments about how everybody was doing it and if you wanted to get anywhere as a sprinter internationally, at some point you would have to make that decision. He believed that people from other countries were using steroids. Just basic, general things like that.

15 Q. Did he at that time provide you with a suggestion that you yourself should go on anabolic steroids?

A. No, he did not.

Q. Did he give you any information about other athletes that he coached being on steroids?

A. Not that early, no, he did not.

20 Q. I understand as well in the fall of 1984 you were first introduced to Dr. Mario Astaphan?

A. Yes, I was.

Q. How did that come about?

25 A. Between Mike Sokolowski and Charlie Francis. I needed a doctor just because I didn't have one

and they suggested him to me.

Q. Was it your understanding that Dr. Astaphan was simply being suggested to you as a family physician?

5

A. Yes.

Q. Was there any suggestion from either Mr. Francis or Mr. Sokolowski at that time that you were being referred to Dr. Astaphan to obtain steroids?

A. No.

10

Q. Now, the records we have obtained show that you saw Dr. Astaphan seven times in October of 1984, five times in November, and two times in December of 1984, for a total of fourteen times in the fall of 1984?

A. Um, hm.

15

Q. As best as you can recall, what was the purpose of those visits?

20

A. Just general health. I was very -- well, not sick but very underweight when I came to Toronto which, of course, was of some concern for my track. Charlie suggested that I go to Dr. Astaphan and ask for B-12 injections just to boost my health.

Q. Did you, during those visits that I have referred to, receive injections from Dr. Astaphan?

A. Yes, I did.

25

Q. And, as far as you understood, that was

the Vitamin B-12 inosine mixture that we've heard referred to?

A. Yes, it was.

Q. Of a ruddy brown colour?

5 A. Yes, it was.

Q. And did you notice any improvement in your general health after the series of those injections?

10 A. Well, I began to gain weight, but I'm not sure whether my eating habits had altered or the B-12. I think it was just a better lifestyle in general.

Q. Now, I take it through the fall of 1984 you were being welcomed into the Scarborough Optimists Club and you were embarking on your training program with Mr. Francis?

15 A. Yes, I was.

Q. Was that training program quite different than --

20 A. Completely different in a lot of different ways. It was less work but more specific. That being less repetitions and more on the track with your spikes on, Charlie watching you, watching your form sprinting.

Q. Did you notice as a result of the change in the coaching any change in your performance?

25 A. Yes, they began -- I had been resting.

It appeared that I was overtrained at the latter part of '84. So I rested up and my times were coming back to normal.

Q. And Mr. Francis indicated he was pleased with the kind of progress you were making?

A. Yes, he did?

Q. And what was your own reaction?

A. I was really happy. I was getting hamstrings for probably the first time, and it was going really well. Other than being a little homesick, I was having a nice time.

Q. I'm sorry, I didn't hear your answer. You say you were getting hamstrings?

A. Because I was so underweight, I had developed quadriceps but no hamstrings, and Charlie was quite concerned about that, hamstrings being a big sprinting muscle.

Q. So when you say you were getting hamstrings, you were developing your hamstring muscles?

A. Yes, I was.

Q. And that was of assistance to you in developing your speed?

A. Yes.

Q. Turning to 1985, I take it by that time you felt a bit more at home in this group?

A. Yes.

Q. And as a result of that, had you become friendly with a number of the athletes in the club?

A. Yes, I had.

5 Q. And who particularly did you become close to?

A. Very close to Charlie Francis, close to Angella and Ben and Tony and Dave McKnight, Molly Killingbeck, most of them.

10 Q. Did these people welcome you into the group?

A. Yes, they did.

Q. Did you continue to have discussions with Mr. Francis about anabolic steroids during 1985?

15 A. Yes, I did.

Q. And in particular can I direct you to some discussions that you would have had in the summer of 1985.

20 THE COMMISSIONER: Excuse me, was Mr. Sokolowski still part of the group at that time? Was he still running?

A. Yes, he was.

MS. CHOWN: Thank you, Mr. Commissioner. That should have been mentioned there as well.

25

MS. CHOWN:

Q. In the summer of 1985, I understand you had a series of discussions with Mr. Francis concerning anabolic steroids?

5 A. It was becoming more specific. And, again, he would just say if you wanted to get anywhere as a sprinter you must take steroids to compete on an international level. It wasn't directed at me but just in general.

10 Q. When you say it wasn't directed at you, again, was Mr. Francis at this time suggesting that you go on an anabolic steroid program?

15

20

25

A. No, he never suggested that to me.

Q. And you have mentioned that he provided you with some more details this time.

5 Did you assume or conclude that that was as a result of you becoming more part of the group that you were now getting more information?

A. Not so much part of a group as closer to Charlie. He at that time had taken me under his wing and sort of defended me and looked out for me a lot.

10 Q. Now, you have indicated Mr. Francis expressed the view that if you wanted to get somewhere you had to be on a steroid program.

A. Yes.

Q. Is that a fair summary of his words?

15 A. Yes.

Q. Was that your view at the time in the summer of 1985?

20 A. At that time it was beginning to become my view, simply because I could see what was going on around me. And with the more -- I mean I believed in Charlie completely. Anything he told me I took as absolute truth. So, yes.

25 Q. But apart from what Mr. Francis told you, did you yourself obtain any other information that supported this view?

A. No, I don't believe so.

Q. All right. You did mention that you looked -- you looked around and you saw what was happening. What are you referring to there?

5 A. Well, just different maybe body types or people making gains and I knew I was working just as hard and they still seemed to be a step ahead.

Q. What did you attribute that to?

10 A. Some steroids, just the fact that they could train harder and recover faster than I was able to do.

Q. Now, again, you continued to see Dr. Astaphan throughout 1985?

A. Yes, I did.

15 Q. Now, we have looked through the OHIP records and totalled up the number of times you saw him which totalled to 102 times in 1985?

A. Yes.

Q. Did any of those visits --

20 THE COMMISSIONER: Twice a week is it, twice a week?

MS. CHOWN:

Q. About twice a week?

25 A. Could be twice a week or three times depending on any injuries I might have had at that time.

THE COMMISSIONER: What year is that, 1986?

THE WITNESS: 1985.

MS. CHOWN:

5 Q. Did any of those visits involve the administration of anabolic steroids?

A. No, they did not.

10 Q. Now, it does seem a rather high number of visits. Can you assist us as to why you would be attending at his office so regularly?

15 A. I would go once or twice a week for B-12 injections. As well he had different physiotherapy -type machines at his office, for hamstring injuries; or I had a bad back, an inverted chair. So, that might mean going more than two or three times a week.

Q. Did you in fact suffer some injuries during your competition or training in 1985?

A. Oh, I would think so. At least back trouble, hamstring, shin splints, a variety of things.

20 Q. Then turning to 1986, during that year, did you ever hear Mr. Francis refer to a drug called Estragol?

A. Yes, I did.

Q. When did you first hear that name?

25 A. I believe I heard the latter part of '85

5

maybe early 6. Charlie was quite happy with the drug, because it was a new drug. And apparently you could not test for it, which would be an advantage obviously because you could take it longer without testing positive at any given meet.

10

Q. Did you have any understanding from Mr. Francis in those discussions as to whether he had that drug available or if not where he was going to get it?

A. Yes. Yes, I believe he had it available or he knew where to get it.

15

Q. Okay. Now, in the spring of 1986 or actually a little bit earlier, in February of 1986, you suffered an injury that I understand has plagued you to date?

A. Since.

Q. And that is that you broke your toe --

A. Yes, I did.

Q. -- when you were in competition in Florida?

20

A. Oh, actually, no, it was an indoor track meet in February.

Q. All right. So, it wasn't in Florida?

A. No, it was not.

Q. Was it here in Canada?

25

A. Yes, it was in Toronto at York.

Q. And as a result of that, have you had to have a number of surgical procedures on the toe?

A. Three thus far, and one more to come.

Q. Still scheduled?

5 A. Yes.

Q. Going back then to February of '86, at that point you had suffered this injury, you had been now training with Mr. Francis for just over a year. Prior to this injury you had felt pleased about the level of your 10 improvement. What was your reaction when you broke your toe?

A. Well, I was obviously devastated. I mean it was coming at a very bad time. I was having a very good indoor season and then after that you do sort of base work 15 for the summer. I knew I would be hurt and off for quite an extended period of time.

Q. All right.

A. I knew eventually I would have to embark on a steroid program, it was just a matter of when, and now seemed like a very good time. 20

Q. Let me just take you back to that statement. When you said you knew you would have to embark on a steroid program at some time, why do you say that?

A. Just again seeing what was going on 25 around me, listening to Charlie, and seeing the times the

other girls were running.

Q. In order to remain or become competitive?

A. Competitive, yes.

Q. You are saying at the time in February of
5 '86, when you had your injury, this seemed like an opportune
time to start on the steroid program?

A. Yes, it did.

Q. Why was that?

A. Well, because I knew it would help me
10 train much harder in the shorter time that I now was faced
with. It is possible it would have helped the bone heal
faster as well.

Q. And as a result of those views that you
held, did you enter into any discussions with Mr. Francis or
15 others about embarking on such a program?

A. Yes, I did.

Q. And what was the attitude of Mr. Francis
to this?

A. He was -- he was on the happy side and I
20 was glad. And he says, "Okay, then we will get on with
things, if that's your decision, then fine, and we will
carry on from there."

Q. Did you discuss it with any of the other
athletes in the club?

A. No, I don't believe I did.

Q. Then in late February or early March 1986, I understand that you went to see Dr. Astaphan?

A. Yes, I did.

Q. But this time the specific purpose was to 5 embark on a steroid program?

A. And to have my foot -- he would, you know, always look at my foot and make sure it was healing, et cetera. But, yes, at this one visit, I assume I would now be receiving steroids.

10 Q. And in quite fairness, he was your doctor, he was looking after your sports injuries --

A. Yes.

Q. -- and he would be concerned with your toe.

15 A. Yes.

Q. Who was present at your first visit with Dr. Astaphan?

A. When I had the --

20 THE COMMISSIONER: What visit now, because she's been seeing Dr. Astaphan for some time. You are in '86 now.

MS. CHOWN:

Q. I am sorry, the visit in '86 when the 25 topic of anabolic steroids first came up?

A. Strangely enough I cannot remember the specific day I did start. I am not sure if that's it was just easier to lie about it or I just didn't want to know exactly what day.

5 I believe Charlie probably accompanied me, because he was present for a few of my injections. But as to that exact date, I can't recall.

Q. And I take it that you have no written record that would assist us --

10 A. No.

Q. -- as to the date that you started?

A. I would not write anything in my training diaries concerning that.

Q. Why was that?

15 A. In case anybody stumbled upon it - my parents or friends or my roommates, whoever.

Q. So, at some point then you believed to be February or early March 1986, this visit with Dr. Astaphan took place?

20 A. Yes.

Q. And Mr. Francis, you believe, was present?

A. I believe so.

Q. Why did he go along with you?

25 A. Just because we used to -- he used to

come with me quite a bit. He would give me a ride or whatever. And we would just -- or he would be going to see Dr. Astaphan himself, they were friends, so they would end up have having long discussions, et cetera, while I was present.

5

Q. Can you tell me what you can recall of the discussion that took place on that visit between Dr. Astaphan, yourself, and Mr. Francis, as it related to anabolic steroids?

10

A. I am not quite sure there was a discussion. I think after I told Charlie of my decision, I believe he spoke with Dr. Astaphan about that. I never directly asked Astaphan, okay, this is the day I would like some steroids or anything close to that. I arrived, and the color of the needle was different, and I just assumed that that was steroids.

15

Q. All right. Before we get to the injections. So, what you are saying is you yourself in the visit did not say to Dr. Astaphan "I now wish to go on a steroid program"?

20

A. No, I don't believe I did.

Q. But you believe that Mr. Francis spoke to Dr. Astaphan on your behalf?

A. Yes, I believe so.

25

Q. On that occasion, did Dr. Astaphan

mention anything about steroids or their side effects to you?

A. No.

5 Q. Did he carry out any examination or laboratory work of you?

A. He would routinely take my blood and urine samples. As to if there was some taken on that specific occasion, I can't remember, but he was quite aware of my physical state at the time.

10 Q. So, you are saying as a routine practice since the fall of 1984 --

A. Yes.

Q. -- he had taken blood and urine from you?

A. Yes.

15 Q. Did you receive an injection that day in his office?

A. Yes, I did.

Q. You said earlier the color of the needle was different?

20 A. Yes, it was.

Q. I take it by that you mean the color of the fluid in the syringe was different?

A. Yes, it was.

Q. What color was it?

25 A. It was a murky white color, an off-white

color.

Q. Quite different than from the appearance of the vitamin B-12 injections?

A. Yes, quite different.

5 Q. Do you know how much you received?

A. I believe it was -- I didn't know at the time, but later talking to Charlie about it, I believe it was about an eighth of a cc, mixed in with Inosine or B-12.

10 Q. All right. Did either Mr. Francis or Dr. Astaphan refer to the substance in the syringe by any name?

A. At that time?

Q. Yes.

A. I don't believe so. It's possible that they referred to it as Estragol, but I can't remember 15 specifically.

Q. But was there any doubt in your mind that that injection was an injection of steroids?

A. None whatsoever.

20 Q. Do you recall then, or let me ask you it this way. Did you return to Astaphan's office following that first injection for subsequent injections?

A. Yes, I would have, once a week, I believe.

25 Q. Once a week and to receive the same dosage?

A. Yes.

Q. Each time you returned, was the color of the fluid in the syringe the same, that is a murky white?

A. Yes, it was. At one point I had a different color in the syringe and that was I believe because I received an iron injection.

Q. How many weeks did this program go on?

A. Well, we left for Florida shortly thereafter. So, maybe three weeks, three to four weeks.

10 THE COMMISSIONER: This is now the spring of '86.

MS. CHOWN:

Q. Spring of '86, that's right. After having received the series of injections, did you yourself notice any changes?

A. Yes, I did.

Q. All right. First of all, did you gain any weight?

20 A. Yes, I did.

Q. All right. A significant amount?

A. Yes.

Q. And as far as your training went, did you notice any difference in your training?

25 A. That's a little more difficult because I

wasn't running at the time. My foot was still not up to par. And all I could do was upper body things and callisthenics.

5 Yes, I was stronger, but I am not sure exactly why. I would assume the steroids had a lot to do with my recovery time. But as initial strength, I believe you had to work at that for it to have any effect.

10 Q. All right. Now you mentioned earlier that the first series of injections was shortly before you and other members of the group left for a training camp in Florida?

A. Yes.

Q. Did you continue to receive steroids injections in Florida?

15 A. Yes, I did.

Q. From whom?

A. I believe Charlie Francis and Angella Issajenko.

20 Q. To your understanding, were you receiving the same mixture as you had received from Dr. Astaphan?

A. Yes.

Q. And --

THE COMMISSIONER: Where was this training camp in Florida?

25

MS. CHOWN:

Q. Tallahasee?

A. Tallahasee.

THE COMMISSIONER: Tallahasee, I see.

5

MS. CHOWN:

Q. Shortly after returning from Florida, I believe you were in Tallahasee for about two weeks?

A. Yes.

10 Q. You then departed with the group for a training camp in Guadeloupe?

A. Yes.

Q. That's again some time in the spring of 1986?

15 A. Yes.

Q. Did you continue to receive injections of anabolic steroids in Guadeloupe?

A. Yes, I did.

Q. From whom?

20 A. I believe Charlie Francis, Angella Issajenko - yes, I believe that was all.

Q. And do you recall how many injections you would have received in Guadeloupe?

A. No, I do not.

25 Q. Once again, was it your belief that you

were receiving the same substance that Dr. Astaphan had injected you with?

A. Yes.

Q. Now, by this time were you aware of any 5 name that was used for the substance you were receiving?

A. Estragol. All along I had known that that was the name for it.

Q. All right. So, you are just not sure whether that name was mentioned at the time you received the 10 first injection?

A. Yes.

Q. Was the word Estragol used by you in discussions with Mr. Francis --

A. Yes, it was.

Q. -- and Ms. Issajenko. Now, following the 15 training camp in Guadeloupe, you returned to Toronto. We are still in the spring of 1986. And I understand that you went back to Dr. Astaphan, and at that point he resumed giving you the injections?

A. That's correct.

Q. Once again, you understood this to be the 20 Estragol?

A. That's correct.

Q. Was that --

25 THE COMMISSIONER: Were you back in training

by this time? Could you start running again?

THE WITNESS: I was -- I was running by the latter part of Florida, not very well, but I was running.

THE COMMISSIONER: All right. But your toe was getting better so you could start training?

5 THE WITNESS: Yes, it was getting better.

MS. CHOWN:

10 Q. Were the injections that Dr. Astaphan gave you as well as the ones that you had received in Guadeloupe, a mixture of the Estragol and the vitamin B-12 mixture?

A. Yes, they were.

15 Q. Now, in 1986, at any of the times that you received the injections from Dr. Astaphan, did you pay him for them?

A. Never.

Q. Was there any discussion of payment?

A. Not once.

20 Q. Now, again the OHIP records that we have for you, Ms. Thibedeau, indicate that you saw Dr. Astaphan a total of 56 times in 1986: being 14 in January, 10 in February, 3 in March, 4 in April, 8 in May, 12 in June, 4 in July, and 1 in August.

25 I am sorry, you have to give a verbal answer.

A. I am sorry, yes.

Q. Now, it's our understanding that Dr. Astaphan left his office on Keele Street sometime in the spring of 1986?

5 A. Yes.

Q. Do you recall seeing him at other locations in May, June, July, and August of 1986?

A. Yes, I would have seen him at the track at York University.

10 Q. And to your knowledge, did he carry out or provide to you any medical services on those occasions?

A. I believe he wrote me out a prescription for anti-inflammatories, once or twice.

15 Q. Now, then in the fall of that year, that's the fall of 1986, Dr. Astaphan was no longer in Toronto?

A. Yes.

Q. Did you resume a steroid program in the fall?

20 A. Yes, I did.

Q. Where did you obtain your injections at that time?

A. Charlie Francis' apartment.

25 Q. Again, what were you receiving, to your understanding?

A. B-12 and Estragol.

Q. And the dosage that you referred to earlier being an eighth of a cc?

A. Remained constant, yes.

5 Q. Can you tell me what the routine was, if I could put it that way, for athletes going to Mr. Francis' apartment to obtain injections?

10 A. For myself, I would just arrange a time and Charlie I would either go there together or I would meet him at his apartment. He would bring us -- myself into the bedroom where the drugs were in his drawer, and he would inject me himself at that time.

Q. Did he draw up the syringe in front of you?

15 A. Yes, he did.

Q. And do you recall what the vials looked like that he took the drugs out of?

20 A. It was a white clear bottle, white vial, I suppose, and I believe it had Estragol on it, but I am not certain.

Q. When you say it had Estragol on it, printed as a label?

A. Yes, just printed in writing like handwriting on a sticker.

25 MS. CHOWN: Mr. Registrar, I wonder if we

might have, I believe it's Exhibit -- it's either 124.

THE COMMISSIONER: 117 A.

MS. CHOWN: 117 A.

5

MS. CHOWN:

Q. And did he also have a vial of Inosine mixture.

Q. Yes, he did.

10 Q. At the time you were attending Mr. Francis' apartment in the fall of 1986, did you see any other athletes from the Mazda group?

A. In '86, I would have seen Angella Issajenko, Ben Johnson, Tony Sharpe. I don't believe I saw anybody else there.

15

Q. Did you ever see --

THE COMMISSIONER: I am sorry, this is -- where are you? This is at Mr. Francis' apartment?

THE WITNESS: Yes.

THE COMMISSIONER: I see. Thank you.

20

MS. CHOWN:

Q. You have mentioned you saw Ben Johnson, Angella Issajenko, and Tony Sharpe there.

A. Tony Sharpe there.

25 Q. Did you ever see any of those athletes

receive an injection from Mr. Francis --

A. No.

Q. -- at his apartment?

A. No, I did not.

5 Q. Did you ever observe any of those

athletes go into Mr. Francis' bedroom with Mr. Francis as you had done?

A. I saw them go down the hall, but I didn't follow them.

10 Q. Towards --

A. Towards the bedroom.

15 Q. Let me just show you a vial that we have marked as Exhibit 117 A which has a label on it that's been put on by the Commission, but other than that can you have a look at the vial and tell me first of all if the color of the substance in it is the color that you recall observing in Mr. Francis' apartment?

A. Yes, I believe it to be a little thicker than this, it wasn't quite as watery.

20 THE COMMISSIONER: Well, shake it up a bit. Give it a good shake.

THE WITNESS: No, it's still not as thick as what I was used to seeing.

THE COMMISSIONER: All right.

25

MS. CHOWN:

Q. Was that the same shape and size vial
that you recall Mr. Francis having in his apartment?

A. Yes, it is.

5 Q. Going back to the times that you were
receiving the injections from Dr. Astaphan in his office,
did you ever see him draw up the solution from vials kept in
his office?

10 A. No. The needle was always prepared and
in a drawer before I got there.

Q. Now, we are --

THE COMMISSIONER: I am sorry, I didn't
follow that. When you went in for the injection the -- it
had already been drawn?

15 THE WITNESS: Doctor Astaphan's?

THE COMMISSIONER: No, I am sorry, Mr.
Francis. He would have a bottle of that nature?

THE WITNESS: Yes, he would.

20 THE COMMISSIONER: And he would draw it from
the bottle?

THE WITNESS: Yes.

THE COMMISSIONER: When you went into Dr.
Astaphan's office, you didn't see the bottle then?

25 THE WITNESS: No, I don't remember ever
seeing it.

THE COMMISSIONER: It was already drawn for the injection?

THE WITNESS: Yes.

5

MS. CHOWN:

Q. We are still in the fall of 1986, Ms. Thibedeau, and I understand that fall that you went to St. Kitts for a training camp together with other members of the Mazda group?

10

A. Yes, I did.

Q. Did you yourself receive any injections of anabolic steroids while you were in St. Kitts?

A. Yes, I did.

Q. From whom?

15

A. Dr. Astaphan and Charlie Francis.

THE COMMISSIONER: Who was at St. Kitts at that time?

20

THE WITNESS: Who was at that trip? I believe I was; Angella Issajenko; Tony Sharpe; France Gareau; Jillian Richardson, I believe, made an appearance; Molly Killingbeck came later; Ben was there, I believe. And that's all I can remember.

THE COMMISSIONER: How long were you there at that time?

25

THE WITNESS: Three weeks.

THE COMMISSIONER: Three weeks?

THE WITNESS: Oh, I am sorry, I am wrong.

Two weeks, I believe.

THE COMMISSIONER: Two weeks.

5

MS. CHOWN:

Q. Where were you staying?

A. In St. Kitts I was billeted with a lawyer friend of Dr. Astaphan's.

10 Q. All right. And when you received injections from Dr. Astaphan, where did you receive those?

A. At the hotel. His family owns a hotel in St. Kitts and Charlie had a room there. And that's usually where we went for them.

15 Q. And how would it come about that sometimes the injections would be given by Dr. Astaphan and sometimes by Mr. Francis?

20 A. It just depended who was there on a given day. If Dr. Astaphan was around, then he would come up and do it himself. And if not, Charlie was.

Q. How many injections would you have received over the two-week period?

A. Over the two weeks, two to three, possibly four.

25 Q. Once again dealing first with Dr.

Astaphan, when he gave you the injections in St. Kitts, did you see him prepare the syringe?

A. Yes, I believe I did.

5 Q. This would be he would be in Mr. Francis' room?

A. Yes, Charlie had all the bottles and vials there.

10 Q. You again have Exhibit 117 A in front of you. Would Dr. Astaphan draw up the syringe from a vial similar to the one in front of you?

A. Yes, he would.

Q. Was it mixed with Inosine and vitamin B-12?

A. Yes.

15 Q. And I take it it flows from that that when Mr. Francis was giving you the injections, he would do the same thing?

A. Yes, he would.

20 Q. Did he draw up the injections in front of you?

A. Yes, he did.

Q. Were you aware during that training camp of any of the other athletes receiving injections?

25 A. I believe I might have witnessed Angella Issajenko receive one. France was there and she was

receiving B-12, to my knowledge.

I was wrong about the people that attended that camp. I thought we were speakig of Guadeloupe. France Gareau was there, Angella Issajenko, Ben, and Tony.

5

THE COMMISSIONER: At St. Kitts?

THE WITNESS: Yes.

MS. CHOWN:

Q. So, Jillian Richardson and Molly 10 Killingbeck were not there?

A. No, that was wrong, that was Guadeloupe the year before.

Q. Now, following your stay for two weeks in St. Kitts, in the fall of 1984 you returned to Toronto. And 15 I understand you did not go on any further steroid programs

for the balance of 1986 and the 1987 indoor season?

A. Correct.

Q. Turning then to 1987, after the indoor 20 season, did you then go back on a steroid program once again?

A. Yes, I did.

Q. Okay. And that would be in March of 1987?

A. Probably the beginning of March of '87, 25 yes.

Q. How did you obtain your injections at that time, because, as we know, Dr. Astaphan was not in Toronto?

A. At Charlie Francis' apartment.

5 Q. You described your routine for us earlier. Was that the routine that you followed in early March 1987?

A. Yes.

THE COMMISSIONER: '87.

10 MS. CHOWN: '87, yes.

MS. CHOWN:

Q. How long a cycle or program were you on in March of 1987?

15 A. I believe generally I went until I had to be tested, depending on my weight. If my weight was skyrocketing, then we would cease for a week or two, but I believe I was fairly constant once a week until two weeks before a track meet.

20 Q. All right.

THE COMMISSIONER: Was that supposed to be the clearance time for the Estragol?

THE WITNESS: Yes, it was.

THE COMMISSIONER: Two weeks?

25 THE WITNESS: Yes.

MS. CHOWN:

Q. Had you had some discussions with either Dr. Astaphan or Mr. Francis or others about the clearance times?

A. Yes. I talked with Dr. Astaphan about it because I can distinctly remember him clearing off his desk to look at his calendar to figure out a clearance time for me.

Q. What did he indicate to you the clearance time was?

A. Two weeks.

Q. Was that the view generally held by the athletes and Mr. Francis?

A. Yes, it was.

Q. So, you believe --

THE COMMISSIONER: Were you given diuretics as well before the meet?

THE WITNESS: I don't believe I ever took diuretics.

THE COMMISSIONER: I see.

MS. CHOWN:

Q. So, you believe then in the spring of 1987, you would have stopped your steroids probably sometime

in April?

A. Yes.

Q. And that would have allowed you two weeks clearance before competing?

5

A. Yes.

Q. Now, once again when you were attending at Mr. Francis' apartment for your injections, did you observe any other athletes from the group also present?

A. Again Angella Issajenko, Ben Johnson.

10 That was probably it at that time.

Q. Did you ever see either of them receive an injection from Mr. Francis?

A. No, I did not.

15 Q. Again, did you see either of them go down the hall in apparently towards the bedroom to receive an injection?

A. Yes, I did.

Q. Did you see both Mr. Johnson and Ms. Issajenko do that?

20 A. Yes, I did.

Q. I take it - let me just ask you this in fairness: did you have any discussions with Mr. Johnson or Ms. Issajenko at that time in Mr. Francis' apartment about what they were doing there?

25 A. I don't believe so.

Q. Now, in May of 1987, you went back to Provost, Utah?

A. Yes, I did.

Q. And in June of 1987, you went to Europe

5 to compete?

A. Yes, I did.

Q. And we have heard about your events there earlier.

10 And in July of 1987, when you returned to Toronto, I understand you once again went back on a short program of anabolic steroids?

A. Yes, I did.

Q. And why did you go on them in the middle of the summer?

15 A. Just to try and buildup before the long season, back to Europe and back to world championships.

Q. Once again, were you attending at Mr. Francis' apartment to receive those injections?

A. Yes, I was.

20 Q. The routine that you have described to us held true at this time as well?

A. Yes, it did.

Q. Did you observe any of the other Mazda athletes there the times that you were there?.

25 A. Quite possibly Angella or Ben, but I

can't remember specifically.

Q. Once again, did you observe Mr. Johnson at any time to receive an injection from Mr. Francis in his apartment?

5

A. No, I did not.

Q. Or Ms. Issajenko?

A. No, I did not.

Q. Now, do you recall how many weeks that program would have continued?

10

A. It was very short, because I started gaining weight. And that wasn't good right before the outdoor nationals. So, I believe I had two, possibly three shots.

THE COMMISSIONER: Is this when, July of '87.

15

MS. CHOWN: This is July of 1987, yes.

MS. CHOWN:

Q. So, would you have cut your program short in effect because of the weight gain?

20

A. The weight gain and because competitions were so close. It wasn't necessary to take it over an extended period of time because the weight -- or the workload wouldn't be as heavy as in the fall or the spring.

25

Q. Were you still on the same dosage, that is one-eighth of a cc?

A. I believe so.

Q. Now, as you told us, you went into the long season and competed in the nationals and then off to Europe?

5 A. Uh-huh.

Q. And returning then to Toronto in the fall of 1987.

A. Yes.

Q. And am I correct in understanding that it 10 was at that time for the first time you went on oral anabolic steroids?

A. Yes, that's correct.

Q. What was it that you received in tablet form?

15 A. Dianabol.

Q. From whom?

A. Charlie Francis.

Q. What was the reason for you now at this 20 point going on an oral tablet?

A. Well, Charlie and I used to speak about what other people were doing, Angella and Ben. And he said that they created a base with the Dianabol before going on the injecting program.

THE COMMISSIONER: I am sorry, I didn't hear 25 the answer. They what, you discussed?

THE WITNESS: They took a base of Dianabol.

THE COMMISSIONER: I see.

THE WITNESS: And then they would go on to the injections.

5 THE COMMISSIONER: Is that stacking, that you would do both, though? You would have the Dianabol plus the injection?

10 THE WITNESS: I don't believe I did. I took Dianabol for about seven or eight days. I didn't like it. And then after that I received injections.

THE COMMISSIONER: These were oral tablets?

THE WITNESS: Yes, they were.

THE COMMISSIONER: Thank you.

15 MS. CHOWN:

Q. Do you recall the dosage of the Dianabol tablets you received?

A. Yes. It was half a tablet. I believe that's 2.5 milligrams.

20 Q. What was the dosage you were to take per day?

A. Two-point-five.

Q. And you have indicated you took them, but you were not happy with the effects that you felt?

25 A. No. It was the first time I had ever had

felt any emotional difference in myself. I always seemed to be a little edgy and just very peculiar to me.

I had never noticed an emotional difference all with Estragol. So, I just -- I stopped, I didn't like it.

Q. So apart from the fact that the tablets in your view made you emotional -- or, sorry, made you edgy, were there any physical effects that you noticed from taking the Dianabol?

A. I believe my muscles were tight, tighter than I had noticed them being before. But other than that, no.

Q. So, you did not complete the cycle of tablets that Mr. Francis had suggested?

A. No, I did not.

Q. How long did he want you to take them for?

A. Twenty-one days.

Q. You, in fact, believed you took them for?

A. Seven possibly eight, not any longer than that.

Q. What did you do with the tablets that were remaining?

A. I threw them out.

25 THE COMMISSIONER: Perhaps this would be good

time to take a very short break for the witness.

MS. CHOWN: Thank you.

5 --- Short recess.

10

15

20

25

---Upon resuming

THE COMMISSIONER: Mr. Armstrong, have you got that list? You misplaced it again.

MR. ARMSTRONG: I left it in your office.

5 THE COMMISSIONER: Okay, fine. We're not through yet. Ms. Chown?

MS. CHOWN:

10 Q. Ms. Thibedeau, just before the break we were talking about you taking a short course of Dianabol tablets in the fall of 1987?

A. Yes.

Q. To which you had a negative reaction?

A. Yes, I did.

15 Q. You stopped taking those pills and threw out the balance of them, as you've indicated to us?

A. Yes, I did.

Q. And you also said earlier that following that, you then resumed a program of injections?

20 A. Yes, I did.

Q. Would that have been some -- sometime in the fall of 1987?

A. Yes, yes, it would have been.

Q. Where did you receive those injections?

25 A. At Charlie Francis' apartment.

Q. To your understanding, what were you receiving?

A. Estragol and a mixture of B-12.

5 Q. The routine that you've described for us on the other occasions, was that the same routine that you followed this time?

A. Yes, it was.

Q. How many injections did you receive from Mr. Francis in the fall of 1987?

10 A. This time it was a little different. We decided to go another route. I would have a series, I believe, of four injections, that was twice a week, and then take a week off and then go back for another series of four. So it would have ended up being eight to ten
15 shoots.

Q. And once again, did you observe any other athletes from the Mazda group at Mr. Francis' apartment when you were there to get injections?

A. Yes I did.

20 Q. Who did you see?

A. Tracy Smith of the Atomis, Mark McKoy, Desai Williams, Molly Killingbeck, Camille Kado, Ben Johnson and that's probably about all.

25 Q. And with respect to the list of people you've just given us, did you ever observe any of those

individuals receive an injection from Mr. Francis?

A. No, I did not.

Q. Did you ever observe any of them go down the hall or into the bedroom with Mr. Francis?

5

A. Yes.

Q. Who did you observe do that?

A. All of them.

Q. Now, going then to the indoor season in 1988?

10

A. Yes.

Q. I understand that after you received this series of injections you stopped because the competitive season was coming up?

A. Yes, I did.

15

Q. And can you tell us about what happened to you in the indoor season of 1988?

20

A. I had a great indoor season. It started off a little slow and then ended with my winning in Ottawa. My times were great, looking very promising for the summer and then I was injured right before Indoor Nationals.

Q. When was that?

THE COMMISSIONER: August of '88? The Nationals are August of '88.

25

THE WITNESS: This is indoors.

THE COMMISSIONER: The indoors, I'm sorry.

MS. CHOWN:

Q. Indoors?

5 A. Yes. So, it would have been, I believe, February. Sometime in February. Latter part of February, I believe.

Q. What was your nature of your injury?

10 A. The same previous problems I had with my foot. I needed an operation. We just weren't sure, when, where, what or how at that point.

Q. As a result of that injury, you were unable to competing in 1988?

15 A. I made a stab at training for a while but then it became useless and yes, that was the last race I've run.

Q. And very unfortunately, being the Olympic year you were unable to continue on to the Olympics?

20 A. Yes.

Q. As a result of your injury in the spring of 1988, did you at any time in 1988 or indeed up to the present, go back on any sort of anabolic steroid program?

25 A. No, I did not.

Q. Now, I understand at some point in 1988, you had discussions with your fiance about anabolic steroids?

A. Yes, I did.

5 Q. Can you tell us how that came about?

A. Well, I was going to marry him so I wanted him to be sure of what I was doing. It was nice to confide in somebody of what I was doing because of the secrecy aspect, you couldn't talk to anybody about it.
10 So, it just was nice to talk to James about it and get it off my chest, as it were.

Q. And did you tell him about your own steroid use?

A. Yes, I did.

15 Q. What you had been taking?

A. Yes, I did.

Q. Where you obtained it?

A. Yes, I did.

Q. How long you had been taking steroids

20 A. Yes, I did.

Q. And did other members of the Mazda group become aware of these discussions that you had with your fiance?

A. Yes, they did.

25 Q. And what was their understanding of

what information you had passed on?

5 A. Apparently they had assumed I told them -- I had told James everything about themselves, about myself, about where I was getting it, how I was getting it and who was involved, speculating about other athletes.

Q. The reaction in the Mazda group about that, I take it, was some degree of panic and concern?

10 A. Oh, well, needless to say because they were afraid this would happen.

THE COMMISSIONER: They were afraid of what?

THE WITNESS: An inquiry. They would find out and everybody would be found out.

THE COMMISSIONER: All right.

15

MS. CHOWN:

Q. And what you've told us, that in fact, all the information you gave to your fiance was about your own steroid use?

20

A. Exactly.

Q. As a result of the reaction of the other members of the group, were you asked by Mr. Francis to go around and speak to individual athletes in the group and reassure them that, in fact, you had provided no information about them to your fiance?

A. Originally, we had a discussion that myself and Tracy Smith -- we would get together as a group and talk about it. We could reassure everybody as a group at that time. Unfortunately, that never took place. And on my own, I went around and talked to various athletes about it. I talked with Desai Williams, Mark McKoy and Ben Johnson.

5

Q. And dealing, first in general terms, what was the point of you going around and talking to these athletes?

10

A. Just reassurance. I mean, you didn't want hard feelings within the group and they obviously had more to lose, more so than myself because they were commanding higher performance fees, et cetera.

15

Q. And the reassurance went to the fact
that you had not ---

A. I did not spill the beans.

THE COMMISSIONER: What did you tell them?

20

THE WITNESS: I just told then that I had only told my fiance of what I was doing. That I had no intentions of telling him anything about their use and, furthermore, I didn't know a lot about what they were doing.

THE COMMISSIONER: What was their reaction?

25

THE WITNESS: They were all very receptive

to me. They weren't mad, angry or annoyed. They just said, well, okay, that's fine and we understand and it's not a problem.

5

MS. CHOWN:

Q. Do you recall specifically the conversation that you had with Mr. Johnson?

A. Yes, I do.

Q. Can you place that in a time frame?

10

A. It would have been, I believe, March -- March of 1988. It took place at York University by the universal machines.

Q. By the universal machine which is a piece of equipment?

15

A. The weightlifting machines, yes.

Q. What do you say to him?

A. It was difficult to get Ben by himself.

20

He was always around somebody or something so the best time seemed to be when he was lifting and no one was around him. He was in between sets and I believe he was doing a military press and I went up to him and said, 'Ben, can I talk to you for a couple of minutes?' And he said, 'Fine'.

Q. Were you quite close to Mr. Johnson?

25

A. Yes, we were friendly. And he said,

5

'What?' And I said, 'Well, it's just about what I was telling James about steroids.' I said, 'I only told James about my own steroid use. I did not mention your name or give him any specifics about you.' And he said, 'Oh, fine.' Same reaction as the other two.

10

Q. And did you use the word steroids specifically that you can recall?

A. Yes.

Q. And from his reaction, did you take it that -- what opinion did you form of ---

A. Well, I realized he understood what I was talking about. It was fairly easy to conclude when you're having a one-sided conversation. I believe he understood and there wasn't a problem with it whatsoever.

15

MS. CHOWN: Thank you. Mr. Commissioner, I do have with me a printout of Ms. Thibedeau's OHIP records in which names of other patients have been deleted.

20

THE COMMISSIONER: That's what you're reading -- that's where you got the number of attendances from?

MS. CHOWN: That's right, and the earlier references where the numbers of attendances have come. That's the summary of Ms. Thibedeau's attendances from '84 to '86.

25

THE COMMISSIONER: Have you seen these, Mr.

Sookram?

MR. SOOKRAM: No, sir.

THE COMMISSIONER: Give them to Mr. Sookram first, please?

5 MR. ARMSTRONG: I'm not sure that's in the right order, more or less. You know the order.

MS. CHOWN: I take it, Mr. Commissioner, subject to Mr. Sookram examining those records, those are the questions I have for Miss Thibedeau.

10 THE COMMISSIONER: Thank you. Mr. Porter?

MR. PORTER: Yes, just a few questions.

THE COMMISSIONER: You're through, Ms.

Chown?

MS. CHOWN: Yes, I am, thank you.

15 THE COMMISSIONER: Yes, Mr. Porter?

EXAMINED BY MR. PORTER:

20 Q. Ms. Thibedeau, I'm representing the College of Physicians and Surgeons and I just have a few questions to ask you about -- to get some information concerning your meetings with Dr. Astaphan. That's the only thing I'm interested in.

Do I understand that there was never any discussion with Dr. Astaphan as to the effects of anabolic steroids on you?

25 A. That's correct.

Q. And so, did Dr. Astaphan ever suggest to you what effect the needles would have that he was giving you? Had he ever indicated you'd run faster or anything like that?

5 A. Yes. At one point in time I asked him what was in the needle and he said, just something to make you run fast.

Q. You said that you discussed with Dr. Astaphan the clearance time?

10 A. Yes, I did.

Q. And you have a clear memory of him looking at the calendar?

A. Yes.

15 Q. Was that both in the spring of 1986 and 1987?

A. No. It was just the one time, I believe, in 1986.

20 Q. Did you ever hear Mr. Francis and Dr. Astaphan discuss the qualities of Estragol in your presence?

A. Yes, I did. I cannot remember specific details but I'm quite sure the conversations took place.

Q. And what do you remember of those conversations?

25 A. Conversations?

Q. Do you remember what the gist of the conversation?

A. Just that it was a very good drug because it cleared your liver very fast. Not hanging around and creating problems for you.

5 Q. This is in respect to estrogen?

A. Estragol, yes.

Q. And that's how -- I've not pronounced it properly. They pronounced it how?

10 A. Estragol.

Q. You can remember Francis and Dr. Astaphan discussing Estragol?

A. Yes.

15 Q. And do you remember the connotation of being safe?

A. Yes.

Q. As safe in respect of safe for you or safe for clearance time?

20 A. Safe in the respect to liver damage, I believe. Charlie was under the opinion that it was better because, as I mentioned, it didn't stay in your liver for very long and the sooner it was out the better it was for you or the individual.

25 Q. You were present when these conversations were going on?

A. Yes.

Q. Well, were they discussing it as if you were a fly on the wall or the person going to receive it?

5 A. We were all very comfortable around one another. I guess I was just sitting there and they were just chatting away as normal. They would chat about various things and that would have been one of them.

Q. And Dr. Astaphan took the position that it was safe?

10 A. Yes.

Q. Estragol?

A. Yes.

THE COMMISSIONER: Did he mention within limited dosage of the duration of the time or just safe?

15 THE WITNESS: Just in general it was safe. I didn't have any worries as to my health or otherwise at that time.

MR. PORTER:

20 Q. So, no mention whatsoever as to any side effects this might have?

A. No, none.

MR. PORTER: Those are my questions.

THE COMMISSIONER: Thank you, Mr. Porter.

25 Mr. Bourque, any questions?

MR. BOURQUE: No, Mr. Commissioner, thank you.

THE COMMISSIONER: Thank you. Mr. Barber?

EXAMINED BY MR. BARBER:

5 Q. Miss Thibedeau, I represent the Sport Medicine Council. I take it from your evidence, or I've taken it from your evidence, that your primary source of information about steroids would have been Mr. Francis?

A. That's correct.

10 Q. Because you've told Ms. Chown and Mr. Porter that you didn't ever discuss with Dr. Astaphan the effects of the possible side effects.

A. No, I did not.

15 THE COMMISSIONER: She said she overheard discussions between Francis and Dr. Astaphan, in her presence.

MR. BARBER:

Q. You didn't discuss with Dr. Astaphan?

20 A. No, no. I had overheard conversations.

Q. And did Mr. Francis talk to you about the possibility of side effects from the use of steroids?

A. No, Charlie believed there would be no side effects---

25 Q. That's what he told you?

A. In the dosages that I was taking.

Q. And the position that he was presenting to you was that if you wanted to compete, you would have to make the decision to use steroids sooner or later?

5

A. If you wanted to compete internationally and I suppose nationally, yes, that eventually at some point in your career you would have to make that decision.

10

Q. Sooner or later you're going to have to go on steroids.

THE COMMISSIONER: You are going to have to make the decision whether to go on steroids.

THE WITNESS: Pardon me?

15

THE COMMISSIONER: You have to make up your mind one way or the other?

THE WITNESS: Yes, yes.

MR. BARBER:

20

Q. What he was saying, though, if you wanted to compete nationally or internationally, you would have to use them?

A. He never said that to me. He never said, Cheryl, you would have to. He said, in general, athletes would have to or it was useless.

25

Q. And did you understand that it would be

an integral part of a training program?

A. Yes, I did.

Q. But you started using steroids in 1986, in the spring of 1986, I think, after you had broken your 5 toe?

A. Yes, I did. But I was training at the time. I was doing upper body work and callisthenics.

Q. And you said that you thought perhaps the steroids would help heal the bone injury?

A. Yes.

Q. Who told you that?

A. I believe I had a discussion with Dr. Astaphan and Charlie Francis about that.

Q. And they suggested to you that steroids 15 would help heal the bone injury?

A. Not necessarily. It is possible it could help the healing process.

Q. They didn't know?

A. Well, I'm not sure if they could tell 20 specifically, no.

Q. You said that you've had three operations on your foot and you've got one to come?

A. Yes, I do.

Q. When was the first operation?

A. The first one was February -- the 25

beginning of the second week of February, 1986. The second one being in August after I returned from Europe, that was to remove a pin. And the third was last fall -- or, last August.

5

Q. So, when you started steroids for the first time, it was shortly after you had had an operation on your foot?

A. Yes, it was.

10

Q. And when you started steroids the first time, it appeared that you weren't told what drug it was you were being given?

A. Yes, I was told I was taking Estragol, by Charlie.

15

Q. You, as I understood it, didn't ask Dr. Astaphan for the Estragol?

A. No, I did not.

Q. All of those arrangements had seemingly been made in advance?

A. Yes, they were.

20

Q. When you arrived, he knew what you were there for?

A. To the best of my understanding. I cannot recall specifically a time when I asked Dr. Astaphan for it. I believe I just went in and it was decided. The same routine as the B-12 injection.

Q. And it had been decided and arranged between Mr. Francis and Dr. Astaphan?

A. I believe they talked about it, yes.

5 Q. Looking at that first cycle of steroids, it wasn't clear to me and perhaps it should have been, but you were receiving them by injection?

A. Yes, I was.

Q. And you were getting one-eighth of a cc?

10 A. Yes, I was.

Q. Was it once per week or twice per week?

A. I believe at that time it was once per week.

15 Q. And this was the spring that you went to Florida and Guadeloupe but, by my notes, you were receiving injections in Toronto for three or four weeks?

A. No, I was receiving them in Toronto a week prior to Florida, I believe.

20 Q. One week, All right. And then you went to Florida for two weeks?

A. Yes.

Q. And received them there?

A. Yes.

Q. You went to Guadeloupe?

25 A. Yes.

Q. How long were you in Guadeloupe?

A. I believe it was two weeks.

Q. Sorry, two or three?

A. Two.

5 Q. And then did you receive further injections when you returned to Toronto?

A. Yes, I did.

Q. For how long?

10 A. It's quite possible I'm wrong about that. I don't believe I did after I returned from Guadeloupe because it would have been close to racing season and at that time it wasn't necessary.

Q. You weren't going to be racing, not if you had a pin in your foot?

15 A. Oh, I was.

Q. You did?

A. Yes.

Q. So, we're talking about a cycle of one injection per week for approximately five weeks?

20 A. Yes.

Q. And then in the fall of 1986 you went on to another cycle?

A. Yes.

25 Q. Which started in Toronto and then moved on to St. Kitts?

A. Yes, that's correct.

Q. You were in St. Kitts for two weeks?

A. Yes, I was.

Q. How long had you been receiving shots
5 in Toronto before you went to St. Kitts?

A. I would think a week, possibly two.

Q. At one point in your evidence you said
that -- perhaps I misunderstood it -- but I thought you
said you would start on a cycle and that sometimes you
would have to stop because you got a dramatic weight gain?
10

A. Yes, I did. That was always towards
the latter part of a cycle. I didn't seem to notice much
weight gain at all for the first week or so, in the fall
of '86, but towards the end, I was getting heavy.

Q. And it was, I take it, sufficient to
cause you concern and stop you from taking anything
further?

A. Not so much concern as it was about
time to stop because you didn't -- my frame didn't need
20 147 pounds on it.

Q. You told Mr. Porter that the discussion
about Estragol between Dr. Astaphan and Mr. Francis was
that one or other or both of them were pleased with it
because it cleared the liver very quickly?

25 A. Yes.

Q. It didn't hang around and cause problems which you understood meant it didn't cause liver damage?

A. Yes.

5 Q. And that's an attribute of Estragol as compared to what?

A. I suppose Deca, testosterone.

Q. Dianabol?

10 A. Dianabol, I'm not sure of. I assume that would be better than Dianabol, yes.

Q. So, it's an attribute of Estragol as compared to the other steroids?

A. Yes.

15 Q. But, in the fall of 1987 and this is after Dr. Astaphan has left Canada?

A. Yes.

Q. Sorry, before I get to that -- well, maybe I'm confused. In the fall of 1987, you -- I see. You started on oil Dianabol?

20 A. Yes, I did.

Q. That was at Mr. Francis' suggestion?

25 A. More my suggestion. I was curious as to what Angella was doing as well as Ben and apparently they had taken a base of Dianabol. I could be wrong about Ben -- I'm not completely sure -- but at least Angella had

and I knew it was working well for her so I thought I would try it.

Q. But, this is, if I can put it this way, this is the drug that doesn't have the attribute of Estragol?

A. Yes, it was in the system much longer.

Q. And therefore the potential for liver damage?

A. Was there, I suppose.

10 Q. But nevertheless, you, in consultation with Mr. Francis, decided that you would try it?

A. Yes. It was going to be for a very short time and I did not believe there would be any damage to myself.

15 Q. I think you said it was going to be for 21 days?

A. 21 days, yes.

Q. But only after seven or eight days, it caused emotional effects?

20 A. I believe it did. Because my life was centered around track, everything was emotional. I tended to be more emotional at that stage -- at that time.

Q. Well, I think from your evidence you attributed it to the Dianabol and that's why you stopped?

25 A. It was the only different thing that I

could think of at the time, so yes.

Q. And you threw it out?

A. Yes, I did.

Q. Then you went on to a cycle of
5 injections?

A. Yes, I did.

Q. And you said -- your evidence was that
we decided to go another route and that's when switched to
the two injections a week?

10 A. Yes, I did.

Q. I take it the 'we' is yourself and Mr.
Francis?

A. And Charlie, yes.

15 Q. That's where your information and
advice was coming from regarding drug use?

A. Yes, it was.

Q. From the time Dr. Astaphan left Canada,
in the fall of 1986, were you under medical supervision?

20 A. I was -- I believe at the latter part I
saw Dr. Fenn.

Q. I'm not too concerned about the name
but you've -- you're going through a number of cycles of
steroid use. Were you under medical supervision while you
were doing that?

25 A. Yes, I was.

Q. Were you receiving tests?

A. Yes.

Q. Liver function tests?

A. I don't believe I had liver function tests, no, but I had blood work done and urinalysis done.

5 Q. On a regular basis?

A. Yes.

Q. And did the doctor know you were taking steroids?

10 A. Yes, he did.

Q. Thank you.

THE COMMISSIONER: Thank you. Mr. Sookram? We might carry on a little later today, if you don't mind.

15 MR. SOOKRAM: I wasn't prepared for that. I just looked at the time and I thought with your indulgence we might start in the morning.

THE COMMISSIONER: I thought you were always prepared, Mr. Sookram.

20 MR. SOOKRAM: I am prepared, sir, but I don't think out of fairness to the witness, we should subject her to any more.

THE COMMISSIONER: Well, I am glad you're so considerate about her. Do you mind coming back tomorrow morning?

25 THE WITNESS: No.

THE COMMISSIONER: All right. Thank you.

Tomorrow morning at ten o'clock. Thank you.

---Whereupon the proceedings were adjourned to April 5,

5 1989 at ten a.m.

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